TSD File Inventory Index

Date: _____

Initial: C M Kenevan

Facility Name	Proctor & Gamble Paper Products Company (Oxford Site)
Facility Identification Number:	WID 000 809 095

A.1 General Correspondence		**B.2 Permit Docket (B.1.2)**	
A.2 Part A / Interim Status		.1 Correspondence	
.1 Correspondence		.2 All Other Permitting Documents (Not Part of the ARA)	
.2 Notification and Acknowledgment		**C.1 Compliance - (Inspection Reports)**	
.3 Part A Application and Amendments		**C.2 Compliance/Enforcement**	X
.4 Financial Insurance (Sudden, Non Sudden)		.1 Land Disposal Restriction Notifications	
.5 Change Under Interim Status Requests		.2 Import/Export Notifications	
.6 Annual and Biennial Reports		**C.3 FOIA Exemptions - Non-Releasable Documents**	
A.3 Groundwater Monitoring		**D.1 Corrective Action/Facility Assessment**	
.1 Correspondence		.1 RFA Correspondence	
.2 Reports		.2 Background Reports, Supporting Docs and Studies	
A.4 Closure/Post Closure		.3 State Prelim. Investigation Memos	
.1 Correspondence		.4 RFA Reports	
.2 Closure/Post Closure Plans, Certificates, etc		**D. 2 Corrective Action/Facility Investigation**	
A.5 Ambient Air Monitoring		.1 RFI Correspondence	
.1 Correspondence		.2 RFI Workplan	
.2 Reports		.3 RFI Program Reports and Oversight	
B.1 Administrative Record		.4 RFI Draft /Final Report	

Total - 1

5 RFI QAPP		7 Lab data, Soil Sampling/Groundwater	
6 RFI QAPP Correspondence		8 Progress Reports	
7 Lab Data, Soil-Sampling/Groundwater		**D.5 Corrective Action/Enforcement**	
8 RFI Progress Reports		.1 Administrative Record 3008(h) Order	
9 Interim Measures Correspondence		.2 Other Non-AR Documents	
10 Interim Measures Workplan and Reports		**D.6 Environmental Indicator Determinations**	
D.3 Corrective Action/Remediation Study	√	.1 Forms/Checklists	
.1 CMS Correspondence	√	**E. Boilers and Industrial Furnaces (BIF)**	
.2 Interim Measures		.1 Correspondence	
.3 CMS Workplan		.2 Reports	
.4 CMS Draft/Final Report	√	**F Imagery/Special Studies** (Videos, photos, disks, maps, blueprints, drawings, and other special materials.)	X
.5 Stabilization		**G.1 Risk Assessment**	
.6 CMS Progress Reports		.1 Human/Ecological Assessment	
.7 Lab Data, Soil-Sampling/Groundwater		.2 Compliance and Enforcement	
D.4 Corrective Action Remediation Implementation		.3 Enforcement Confidential	
.1 CMI Correspondence		.4 Ecological - Administrative Record	
.2 CMI Workplan		.5 Permitting	
.3 CMI Program Reports and Oversight		.6 Corrective Action Remediation Study	
.4 CMI Draft/Final Reports		.7 Corrective Action/Remediation Implementation	
.5 CMI QAPP		.8 Endangered Species Act	
.6 CMI Correspondence		.9 Environmental Justice	

Note Transmittal Letter to Be Included with Reports.
Comments: Documents do not justify individual folder per schedule

Land and Chemicals Division

Type of Document:
- ☒ Notice of Violation Letter and Letter of Acknowledgment
- ☐ No Violation Letter and Inspection Report/Checklist
- ☐ Letter of Acknowledgment
- ☐ Information Request
- ☐ Pre-Filing and Opportunity to Confer
- ☐ State Notification of Enforcement Action

Facility Name: **Procter & Gamble Paper Products Company**

Facility Location: **501 Eastman Avenue**

City: **Green Bay** **State:** **Wisconsin**

U.S. EPA ID# **WID 000 809 095**

Assigned Staff **W. Francis** **Phone:** **312-353-4921**

Name	Signature	Date
Author **W. Francis**	W. F	10/28/09
Regional Counsel **J. Kujawa**	J. Kujawa	12/10/09
Section Chief **P. Little**	Paul Little for P.C. Little	12/13/09
Branch Chief **W. Harris**	Willie Harris	12/16/09

RTC MG 12/15/09

MG 12/15/09

Directions/Request for Clerical Support:

After the Section Chief/Branch Chief signs this sheet and original letter:

1. Date stamp the cover letter;
2. Make four copies of the contents of this folder:
   - One copy for the assigned staff;
   - One copy for the section file;
   - One copy for the branch file; and
   - One copy for the official file.
3. Make any additional copies for cc's or bcc's.
4. Mail the original certified mail and distribute office copies and cc's and bcc's.
   Once the certified mail receipt is returned:
5. File the certified mail receipt (green card), with this sign-off sheet and the official file copy, and take to 7th floor RCRA file room;
6. E-mail staff the date that the letter was received by facility.

SENDER: *COMPLETE THIS SECTION*

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Ms. Diane Wilquet
Site Environmental Coordinator
Procter & Gamble Paper Products Company
Post Office Box 8020
Green Bay, Wisconsin 54308-8020

COMPLETE THIS SECTION ON DELIVERY

A. Received by *(Please Print Clearly)* | B. Date of Delivery 12/03

C. Signature
X D. Wilquet ☒ Agent ☐ Addressee

D. Is delivery address different from item 1? ☐ Yes
If YES, enter delivery address below: ☐ No

Service Type
☒ Certified Mail ☐ Express Mail
☐ Registered ☒ Return Receipt for Merchandise
☐ Insured Mail ☐ C.O.D.

4. Restricted Delivery? *(Extra Fee)* ☐ Yes

2. Article *(Trans* 7001 0320 0006 1448 8163

PS Form 3811, March 2001 Domestic Return Receipt 102595-01-M-1424

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5
77 WEST JACKSON BOULEVARD
CHICAGO, IL 60604-3590

REPLY TO THE ATTENTION OF:

LR-8J

DEC 16 2009

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Ms. Diane Wilquet
Site Environmental Coordinator
Procter & Gamble Paper Products Company
Post Office Box 8020
Green Bay, Wisconsin 54308-8020

Re: Notice of Violation/Return to Compliance
RCRA Compliance Evaluation Inspection
Procter & Gamble Paper Products Company
WID 000 809 095

Dear Ms. Wilquet:

On January 21, 2009, a representative of the U.S. Environmental Protection Agency inspected the Procter & Gamble Paper Products Company (P&G) facility, located at 501 Eastman Avenue in Green Bay, Wisconsin. The purpose of the inspection was to evaluate P&G's compliance with certain provisions of the Resource Conservation and Recovery Act (RCRA); specifically, those regulations related to the generation of hazardous waste, universal waste and used oil. Please find enclosed a copy of the inspection report for your reference. In addition, EPA received e-mail information from P&G on January 23, 2009, January 26, 2009, and February 3, 2009.

Based on information provided by P&G personnel, review of records, and personal observations by the inspector, EPA finds that P&G violated certain requirements of the Wisconsin Administrative Code (WAC)[1] and the United States Code of Federal Regulations (CFR). We find that P&G was in noncompliance with the following hazardous waste requirements:

1 The State of Wisconsin regulations applicable to large quantity generators are currently codified at WAC NR ss. 662.010 - 662.043. However, the regulations which were part of the federally-authorized RCRA program in Wisconsin are those Wisconsin Administrative Code regulations that were in effect on May 19, 1998, at the time of the inspection

1. In order to avoid the need for a hazardous waste storage license, a large quantity generator must label or mark clearly each container and tank with the words "Hazardous Waste." See, WAC § NR 615.05(4)(a)(10)2 [40 CFR § 262.34(a)(3)]. In addition, a large quantity generator must ensure that the date upon which each period of accumulation begins shall be clearly marked and visible for inspection on each container. See, WAC § NR 615.05(4)(a)(5) (40 CFR § 262.34(a)(2)).

   During the inspection of the "Environmental Waste Area," the inspector observed two 55-gallon containers of hazardous waste, see photographs 1 and 2. Both of the 55-gallon containers were labeled "Hazardous Waste" but did not include accumulation dates. At the time of the inspection, P&G, therefore, failed to include the accumulation date on the container as required by WAC § NR 615.05(4)(a)(5) (40 CFR § 262.34(a)(2)). In a January 23, 2009 e-mail, you included two photographs of the hazardous waste containers with accumulation dates. Based on this information, P&G has abated the violation of WAC § NR 615.05(4)(a)(5) [40 CFR § 262.34(a)(2)].

2. In order to avoid the need for a hazardous waste storage license, a large quantity generator must comply with the contingency plan and emergency procedures in WAC § NR 630.22. See, WAC § NR. 615.05(4)(a)(6) [40 CFR § 262.34(a)(4)]. Specifically, a copy of the contingency plan and all revisions of the plan must be sent to all local police departments, fire departments, hospitals, and emergency response teams who may be called to provide emergency services. See, WAC § NR 630.22(1)(b)(2) [40 CFR § 265.53(b)].

   During the records review portion of the inspection, Inspector Francis asked about the distribution of the Contingency Plan. P&G personnel told the inspector that the December 2007 version of the Contingency Plan had been distributed to the Brown County Local Emergency Planning Committee (LEPC). However, P&G personnel were not sure if the P&G Contingency Plan had been distributed to all local police departments, fire departments, hospitals, and emergency response teams who may be called to provide emergency services. In a January 23, 2009 e-mail, you included information from the Brown County LEPC that by forwarding an updated P&G Contingency Plan to the Brown County LEPA that it would be available to police, fire, emergency response teams, hospitals and others. Based on this information, P&G has abated the violation of WAC § NR 615.05(4)(a)(6) [40 CFR § 262.34(a)(4)].

This letter is to inform you that EPA does not plan additional enforcement action at this time. This letter does not limit the applicability of the requirements evaluated, or of other federal or state statutes or regulations. EPA and the Wisconsin Department of Natural Resources (WDNR) will continue to evaluate P&G in the future.

If you have any questions regarding this letter, please contact Walt Francis, of my staff, at (312) 353-4921.

Sincerely,

Willie H. Harris

Willie H. Harris, P.E.
Chief, RCRA Branch
Land and Chemicals Division

Enclosures

cc: Leonard Polczinski, WDNR-Northeast Regional Office

State of Wisconsin
Department of Natural Resources
Hazardous Waste Management Program

Large Quantity Generator Inspection Report

Section A: Inspection Information

Inspection Date(s):	DNR Region:	DNR Inspector(s):
1/21/09	NE	Walt Francis, U.S. EPA

Section B: Generator Information

Generator Name	EPA ID Number	Facility ID (FID) Number
Procter & Gamble Paper Products	WID 000 809 095	405032210

Street Address	City	ZIP Code	County
501 Eastman Ave.	Green Bay	54302	Brown

Generator Contact Name	Title	Telephone Number (include area code)
Diane Wilquet	Environmental Coordinator	920-430-2127

E-Mail Address: wilquet.dm@pg.com

Legal Owner Name	Telephone Number (include area code)
Procter & Gamble Paper Products	

Street Address	City	State	ZIP Code
PO Box 8020	Green Bay	WI	54308

Personnel Present	Title
Diane Wilquet	Site Environmental Coordinator
Jennifer Sims	Site HS&E Leader

Generator's Main Product or Process

Procter & Gamble Paper Products Company produces paper toweling, facial tissue, and bathroom tissue at the Green Bay, Wisconsin plant. See inspection report.

Section C: Waste Information

Description of Waste Generated	Hazardous Waste Code	Generation Rate lbs/month	Receiving Facility	Analysis (Date)	Generator Knowledge (✓)
Spent halogenated solvents	F002	10 gal/month	Heritage	1/10/01	☐
Ignitable waste	D001	Varies	Safety-Kleen		☑
Mercury waste	D009	Varies	Clean Harbors		☑
Corrosive waste	D002	Over Time	Clean Harbors	pH >12.5	☑

Note: All "NR" References are Wisconsin Administrative Code Chapters

NR 615.06(3)	1. Has a hazardous waste determination been made on each solid waste generated? Check the appropriate means of the determinations: ☑ Lab Analysis ☑ Generator knowledge (specify):	☑ Yes	☐ No	
NR 605.12(1)	2. Were waste samples analyzed by certified, registered, or approved laboratories under NR 149? If YES, provide lab names and certification numbers.	☐ Yes	☐ No	N/A
NR 615.06(4)	3. Has a new waste analysis been made if the process generating the hazardous waste changed?	☐ Yes	☐ No	☐ N/A
NR 615.06(5)	4. Does the generator keep records of all waste determinations on-site for at least three years from the date the waste was last sent to a storage, treatment or disposal facility?	☑ Yes	☐ No	
NR 615.07(2)	5. Has the generator submitted a notification form and obtained an EPA ID#? Note: A subsequent notification should be submitted when there is an ownership or name change.	☑ Yes	☐ No	

Section D: Manifest Requirements and Off-Site Shipments

NR 615.08(1)	1. Does the generator initiate a manifest with all off-site shipments of hazardous waste?	☑ Yes	☐ No
NR 615.08(8)	2. Is the manifest complete?	☑ Yes	☐ No

NR 615.08(3)	3. Does the manifest specify an approved facility to receive the waste?	☒ Yes ☐ No
NR 615.08(6)	4. Does the generator send a copy of the manifest to the Department and the receiving state within 5 business days of shipment?	☒ Yes ☐ No
NR 615.11(10)	5. Does the generator send a copy of the consignment state's manifest signed by the receiving facility to the Department within 5 business days of receipt?	☒ Yes ☐ No
NR 615.08(7)	6. Are copies of all manifests for the past 3 years retained on-site and available for review?	☒ Yes ☐ No
NR 615.10(1) and (2)	7. Is the hazardous waste packaged, marked and labeled according to DOT requirements?	☒ Yes ☐ No
NR 615.10(3)	8. Does the generator offer the initial transporter appropriate placards?	☒ Yes ☐ No
Section E: Land Disposal Restrictions		
NR 675.07	1. Has the generator determined if each waste is prohibited from land disposal? ☒ Lab analysis ☒ Generator knowledge	☒ Yes ☐ No
NR 675.06	2. Does the generator comply with the prohibition against dilution of wastes?	☒ Yes ☐ No
NR 675.07(1)	3. Does the generator provide notification to the off site facility with each shipment?	☒ Yes ☐ No
NR 675.07 (1)	4. Check the appropriate type of LDR notification: ☐ Waste is subject to an EXEMPTION from a prohibition (i.e. case-by-case variances, NR 675.05(2) exemption, nationwide capacity variance) ☐ Waste MEETS treatment standards; certification that wastes may be land disposed without further treatment ☒ Waste EXCEEDS treatment standards; notice of appropriate treatment and applicable prohibitions	
NR 675.07 (1)(j)	5. Does the generator retain a copy of LDR notifications and certifications for 5 years?	☒ Yes ☐ No
NR 675.09 (1)	6. Have underlying hazardous constituents been identified for characteristic wastes?	☒ Yes ☐ No ☐ N/A
NR 675.09(2)	7. If the waste is both a listed and characteristic waste, are all of the treatment standards for the characteristic waste included in the treatment standards for the listed waste?	☒ Yes ☐ No ☐ N/A
NR 675.09(2)	8. If NO to No. 7, are the additional treatment standards for the characteristic waste identified?	☐ Yes ☐ No ☒ N/A
NR 675.20(4)	9. Are wastes with different treatment standards for a constituent of concern mixed?	☐ Yes ☒ No ☐ N/A
NR 675.20(4)	10. If YES to No. 9, is the most stringent treatment standard selected?	☐ Yes ☐ No ☒ N/A
Section F: Reporting		
NR 615.11(1)	1. Have annual reports covering generator activities during the previous calendar year been submitted to the Department by March 1 of the following year?	☒ Yes ☐ No
NR 615.11(2)	2. Are procedures for exception reporting followed?	☒ Yes ☐ No ☐ N/A
Section G: Preparedness and Prevention		
NR 630.21(2)	1. Is the generator equipped with ALL of the following, unless it can be shown that the equipment is not necessary for the types of wastes handled? ☒ A device to summon emergency assistance (e.g., telephone, 2 way radio) ☒ Internal communications and alarm systems ☒ Portable fire extinguishers ☒ Fire control equipment, including special extinguishing equipment ☒ Adequate spill control equipment ☒ Decontamination equipment (e.g., eyewash, shower)	☒ Yes ☐ No
NR 630.21(4)	2. Is all of the above emergency equipment tested and maintained to assure its proper operation in an emergency?	☒ Yes ☐ No
NR 630.21(3)	3. Is there immediate access to internal or external alarms in hazardous waste handling areas?	☒ Yes ☐ No

NR 630.21(6)	4. Has the generator made necessary arrangements with the following emergency organizations? ☑ Primary and support roles have been defined if multiple police and fire departments could respond to an emergency ☑ Familiarize police, fire and emergency response teams with the site layout, hazards of the waste handled, places where personnel work, entrances and roads in the site and possible evacuation routes ☑ Agreements with emergency response contractors and equipment suppliers to provide response - Veolia ☑ Familiarize local hospitals with the properties of wastes handled and the potential resulting injuries or illnesses	☑ Yes	☐ No
NR 630.21(5)	5. Is adequate aisle space provided throughout the site to allow for the unobstructed movement of personnel and all emergency equipment?	☑ Yes	☐ No
Section H: Contingency Plan			
NR 630.22(1)(a)	1. Does the generator have a written contingency plan or an amended SPCC plan that will be implemented immediately in the event of a fire, explosion or hazardous waste discharge? Dec 2007	☑ Yes	☐ No
NR 630.22(1)(b)	2. Has the generator made copies of the contingency plan and all revisions available to ALL of the following? X LEPC ☐ Department ☐ Police ☑ Fire ☐ Hospital ☐ Emergency response teams	☐ Yes	☑ No
NR 630.22(1)(c)	3. Does the contingency plan need to be amended due to any of the following? ☐ Contingency plan failed in an emergency ☐ Change in site design, construction, O&M, or other circumstances which affected emergency response ☐ Emergency coordinators changed ☐ Emergency equipment changed	☐ Yes	☑ No
NR 630.22(1)(d)	4. Does the plan identify an emergency coordinator who meets ALL of the following? ☑ Is available at all times to respond to emergencies at the site ☑ Is familiar with all aspects of site activities and the contingency plan ☑ Has authority to commit the resources needed to carry out the contingency plan	☑ Yes	☐ No
NR 630.22(1)(e)	5. Does the contingency plan include ALL of the following information? ☑ A designation of the primary and alternate emergency coordinator, if more than one person is listed ☑ The name, position, address and phone number, office and home, for each emergency coordinator ☑ A description of the site layout, types of wastes handled and associated hazards, places where employees work, and entrances (roads) accessing the site ☑ An evacuation plan for personnel including signal(s) to be used in the event of evacuation and alternate routes ☑ Procedures to notify local police, fire, hospitals, and emergency response teams in the event of a fire, explosion, or hazardous waste discharge ☑ Procedures for emergency shutdown of site operations ☑ A list of emergency equipment at the site, including location, description, and capabilities of each item	☑ Yes	☐ No

Code	Question	Yes	No
NR 630.22(2)(a)	6. Does the plan require the emergency coordinator to do ALL of the following in the event of a fire, explosion, or discharge of hazardous wastes? ☒ Activate internal alarms or communication systems ☒ Telephone the division of emergency government (1-800-943-0003) ☒ Identify the character, source, amount, and extent of discharged hazardous materials ☒ Assess hazards to human health and the environment ☒ Immediately notify appropriate authorities, as necessary ☒ Take all reasonable measures necessary to ensure fires, explosions and discharges do not occur, reoccur, or spread ☒ Monitor for leaks, pressure buildup, gas generation or ruptures in valves, pipes, or other equipment if the site stops operation ☒ Provide for treating, storing, or disposing of recovered waste, contaminated soil, surface water, or other material ☒ Ensure wastes that are incompatible with the discharged material are not treated, stored or disposed until cleanup is completed ☒ Ensure that emergency equipment is clean and fit for use prior to resuming operations	☒ Yes	☐ No
NR 630.22(2)(b)	7. Will the generator notify the Department and appropriate local authorities prior to resuming operations?	☒ Yes	☐ No
Section I: Personnel Training Requirements			
NR 630.16(1)	1. Does the generator have a program of classroom instruction or on-the-job training for personnel in hazardous waste management?	☒ Yes	☐ No
NR 630.16(1)	2. Are the following applicable items included in the training program? ☒ Contingency plan implementation ☒ Procedures for using, inspecting, repairing, and replacing emergency and monitoring equipment ☒ Key parameters for automatic waste feed cut-off systems ☒ Communications and alarm systems ☒ Response to fires or explosions ☒ Response to groundwater contamination incidents ☒ Shutdown of operations *Hanger Dept.*	☒ Yes	☐ No
NR 630.16(2)	3. Are new employees trained within 6 months of their assignment?	☒ Yes	☐ No
NR 630.16(3)	4. Do personnel take part in an annual review of the training?	☒ Yes	☐ No
NR 630.16(4)	5. Are ALL of the following training documents kept on-site for at least 3 years from each employee's last date of employment? ☒ Job titles and the employee name for each position related to hazardous waste management ☒ Job description of each of the above job titles ☒ Description of the amount and type of training that will be given to each employee ☒ Records that required training has been given to each employee	☒ Yes	☐ No
Section J: 90-Day Container Accumulation			
	1. Does the generator accumulate hazardous waste in containers? If NO, go to Section K.	☒ Yes	☐ No
NR 615.05(4)(a)5.	2. Are the containers marked with the starting date of accumulation?	☐ Yes	☒ No *2- totes not marked. Scrap/HWS*
NR 615.05(4)(a)6.	3. Are the containers accumulated for 90 days or less?	☒ Yes	☐ No
NR 615.05(4)(a)10.	4. Are containers marked with the words "Hazardous Waste"?	☒ Yes	☐ No
NR 615.05(4)(a)2.d.	5. Are all containers of hazardous waste in good condition?	☒ Yes	☐ No
NR 615.05(4)(a)2.j.	6. Are all containers made of or lined with materials that are compatible with the waste?	☒ Yes	☐ No
NR 615.05(4)(a)2.e.	7. Are all containers kept closed, except when it is necessary to add or remove waste?	☒ Yes	☐ No
NR 615.05(4)(a)2.f.	8. Are containers opened, handled or stored to prevent leaks or ruptures?	☒ Yes	☐ No

615.05(4)(a)2.b.	9. Are containers and accumulation areas inspected weekly for leaks and defects?	☒ Yes ☐ No
NR 615.05(4)(a)2.c.	10. Are the inspections recorded into a log which includes ALL of the following? ☐ Date and time of inspection ☐ Name of inspector ☐ Notation of the observations made ☐ Date and nature of repairs or remedial actions	☐ Yes ☐ No
NR 615.05(4)(a)2.c.	11. Are the inspection records kept for at least 3 years from the date of the inspection?	☒ Yes ☐ No
NR 615.05(4)(a)2.g.	12. Are containers of ignitable or reactive waste located at least 50 feet from the property line?	☒ Yes ☐ No ☐ N/A
NR 640.15(1)	13. Are containers of incompatible wastes separated or protected from each other by a physical barrier (dike, berm, wall or other device)?	☒ Yes ☐ No ☐ N/A
NR 640.15(2)(b)	14. Are incompatible wastes stored in separate containers?	☒ Yes ☐ No ☐ N/A
NR 640.15(2)(a)	15. Are containers that previously held an incompatible waste properly washed before adding waste?	☐ Yes ☐ No ☒ N/A

Section K: Satellite Accumulation

	1. Does the generator accumulate waste at or near the generation point? If NO, go to Section L.	☒ Yes ☐ No
NR 615.05(4)(c)1.	2. Are the containers in good condition?	☒ Yes ☐ No
NR 615.05(4)(c)2.	3. Are the containers always kept closed except when it is necessary to add or remove waste?	☒ Yes ☐ No
NR 615.05(4)(c)3.	4. Are containers opened, handled or stored to prevent leaks or ruptures?	☒ Yes ☐ No
NR 615.05(4)(c)4.	5. Does the generator accumulate no more than 55 gallons of hazardous waste or 1 quart of acute hazardous waste in each satellite area?	☒ Yes ☐ No
NR 615.05(4)(c)5.	6. Are the containers marked "hazardous waste" or other words that identify the contents?	☒ Yes ☐ No
NR 615.05(4)(c)6.	7. Are the containers immediately marked with the date the excess amount is generated?	☒ Yes ☐ No
NR 615.05(4)(c)6.	8. Does the generator comply with the 90 day accumulation requirements with respect to the excess amount within 3 days of it being generated?	☒ Yes ☐ No

Section L: Waste Minimization

NR 615.09(2)	1. Does the generator include waste minimization information in the annual report?	☒ Yes ☐ No
NR 615.09(1)(a)	2. Does the generator have a program in place to reduce the volume or quantity and toxicity of waste to an economically practicable degree?	☒ Yes ☐ No
NR 615.09(1)(b)	3. Does the generator have a written waste minimization/pollution prevention plan, as recommended by EPA guidance?	☒ Yes ☐ No
NR 615.09(1)	4. Is evidence gathered during the inspection to justify the generator's waste minimization certification on the manifest?	☒ Yes ☐ No

Section M: Treatment with Absorbent Materials

NR 615.05(5)	1. Does the generator combine absorbent material with waste for the purpose of eliminating free liquids? If YES, see NR 615.05(5).	☐ Yes ☒ No

Section N: Universal Waste Management

Are universal wastes generated at the site? If NO, go to Section O. ☒ Yes ☐ No

Waste Type	Quantity Generated	On-Site Storage Method	On-Site Treatment (List)	Shipped to handler/destination facility (List)
used lamps	45 units		no	clean harbors + safety kleen

Management of CRTs and antifreeze as per department guidance should also be discussed with the generator.

NR 690 Subch. II	1. Does the generator comply with the small quantity handler requirements if <5,000 kg/yr is accumulated?	☒ Yes ☐ No ☐ N/A
NR 690 Subch. III	2. Does the generator comply with the large quantity handler requirements if >5,000 kg/yr is accumulated?	☐ Yes ☐ No ☒ N/A

NR 690.04(2)	3. If the universal waste is not recycled, has the generator complied with the applicable NR 600-685 requirements?	☐ Yes ☐ No ☒ N/A

Section O: Generator Status Evaluation

1. Is the Large Quantity Generator status confirmed by this inspection? ☒ Yes ☐ No
2. If No, what is the correct generator classification?
   ☐ Non-Generator ☐ Very Small Quantity Generator ☐ Small Quantity Generator
3. Are there any other on-site hazardous waste activities at the generator's location? ☐ Yes ☒ No
4. If YES, check all that apply.
   ☐ Accumulation in Tanks ☐ Recycling ☐ Transfer ☐ Transporter ☐ Treatment ☐ Storage ☐ Disposal

Inspection Comments. Add comments on additional pages if necessary.

SEE Inspection Report + [illegible].

DNR Inspector Signature:	Date:
[signature]	1/21/09

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5
77 W. JACKSON BOULEVARD
CHICAGO, ILLINOIS 60604

RCRA COMPLIANCE EVALUATION INSPECTION REPORT

FACILITY NAME:	**PROCTER & GAMBLE PAPER PRODUCTS COMPANY**
FACILITY U.S. EPA ID NO.:	**WID 000 809 095**
FACILITY TYPE:	**Large Quantity Generator**
FACILITY ADDRESS:	501 Eastman Avenue Green Bay, Wisconsin 54302
U.S. EPA REPRESENTATIVE:	Walt Francis
DATE OF INSPECTION:	January 21, 2009
SIC CODE:	2676 - Commercial Printing, Gravure (Check with Mark)
NAICS CODES:	322291 – Sanitary Paper Product Manufacturing 32212 – Paper Mills

PREPARED BY: Walt Francis — 2/3/09

Walt Francis
Environmental Scientist
Date

ACCEPTED BY: [signature] — 2-4-09

Paul Little, Chief
Compliance Section 2
RCRA Branch
Date

Purpose of Inspection

The purpose of this inspection was to conduct a Compliance Evaluation Inspection (CEI) at Procter & Gamble Paper Products Company (P&G) located at 501 Eastman Avenue, Green Bay, Wisconsin to determine compliance with the Resource Conservation and Recovery Act (RCRA) and the Wisconsin Administrative Code (WAC), with respect to P&G's management of hazardous waste, universal waste and used oil.

Participants

United States Environmental Protection Agency (U.S. EPA) Inspector -
Walt Francis, Environmental Scientist

Representatives of Procter & Gamble Paper Products Company -
Diane Wilquet, Site Environmental Coordinator
Jennifer Sims, Site Health, Safety and Environmental Leader
Jim Delvoye, Site Environmental Coordinator

Site Description/Background Information

The P&G facility is located at 501 Eastman Avenue, Green Bay, Wisconsin and produces paper toweling, facial tissue, and bathroom tissue. The P&G Green Bay, Wisconsin facility generates waste laboratory solvents, waste ink, waste lead paint chips, waste aerosol cans, waste paint cans, used fluorescent lamps, and used oil. Shop towels and rags are accumulated in 55-gallon containers and sent off-site for laundering to Industrial Towel and Uniform (ITU). The "Wet Lab" in Building #1 generates a laboratory solvent waste F002 (methylene chloride) and D002 (corrosive), which is accumulated in a 30 gallon container before it is transferred to the hazardous waste accumulation room off the south wall of Building 42. Waste ink and make up fluid are accumulated in 5 to 10 gallon containers within yellow flammable cabinets in Buildings #41, #52, and #91. When full, these containers are transferred to the hazardous waste accumulation room located off the south wall of Building 42. The maintenance shop has a parts washer that contains "Premium Gold" solvent which is distributed and maintained by Safety-Kleen. In addition, the maintenance department collects used oil in 55-gallon containers and 330-gallon totes. Also, used fluorescent lamps are accumulated in the hazardous waste accumulation room and picked up by Clean Harbors. P&G has been at this location since 1957, and currently has 1,014 employees and operates 24 hours per day, 7 days per week.

At the time of the inspection, the P&G facility was operating as large quantity generator (LQG) of hazardous waste, and operates one RCRA hazardous waste less than 90 day accumulation area for containers. Historical hazardous waste streams have included F002 spent non-halogenated solvents, D001 ignitable waste, D002 corrosive waste, and D009 mercury waste. Other wastes include: 1) used fluorescent lamps; 2) used oil; 3) wastewater treatment sludge; and 4) used shop towels/rags. WDNR provided U.S. EPA with a copy of a December 1, 2008, "Hazardous Waste

Manifest Records For Selected Generator" report for the period 1/1/2005 through 12/1/2008, for out-bound shipments of hazardous waste from the Green Bay, Wisconsin facility. The WDNR out-bound manifest report indicated that hazardous waste F002 is shipped to Heritage Environmental Service (IND 093 219 012), Indianapolis, Indiana, approximately one shipment every four months, and ignitable waste D001 is shipped approximately every few months to Safety-Kleen or Clean Harbors Environmental Services. For the period September 24, 2008, through September 28, 2007, P&G made 12 shipments ranging from 33 pounds to 14,220 pounds of hazardous waste.

Opening Conference

U.S. EPA representative Walt Francis arrived at the P&G facility at approximately 8:00 a.m. Inspector Francis introduced himself to Ms. Diane Wilquet, Site Environmental Coordinator. Ms. Wilquet took the inspector to a conference room. Ms. Wilquet introduced Ms. Jennifer Sims, Site Health, Safety and Environmental Leader, and Mr. Jim Delvoye, Site Environmental Coordinator. Inspector Francis presented his credentials to the group, and informed them of the nature, scope, and procedures of the inspection. The inspection was conducted by U.S. EPA. WDNR personnel declined to participate in the inspection with U.S. EPA. Ms. Sims provided Inspector Francis with a brief overview of the facility, and provided information on the various hazardous waste, universal waste, and solid wastes that are generated, and shipped off-site from P&G. Specifically, Ms. Sims explained that waste areas include the on-site laboratory, waste ink/solvent, waste paint, waste paint chips, waste aerosol cans, lab packs of outdated chemicals, and one-time events such as tank failures or boiler shutdown. In addition, Ms. Sims explained that used oil is collected in 55-gallon containers and 330 gallon totes, and used fluorescent lamps are accumulated in the hazardous waste accumulation area. Inspector Francis reviewed several recent out-bound hazardous waste manifests records, information from the 2005 and 2007 Biennial Reports database and discussed the operation of the facility. Inspector Francis noted that the outbound tracking report indicated off-site shipments of F002 spent halogenated solvents, D001 ignitable waste, D009 mercury waste, and D002 corrosive waste. Inspector Francis asked Ms. Wilquet about off-site shipments of used oil. Ms. Wilquet told the inspector that used oil is generated from forklift maintenance and machine maintenance in the plant, and is shipped off-site to Safety-Kleen. Ms Sims allowed the inspector access to the facility to conduct the inspection.

Site Tour

The walk-through began in the on-site laboratory. Ms. Wilquet showed Inspector Francis two 30-gallon containers used for waste methylene chloride (F002) and corrosive waste (D002). Ms. Wilquet explained that one container was the active satellite area accumulation area (SAA) container and the other was utilized when the first container is full. The inspection continued to the Converting Line, and then to the Truck Shop. In the Truck Shop, Ms. Wilquet showed Inspector Francis a 55-gallon container of used oil. The inspection continued to the paper towel packaging department. Ms. Sims showed Inspector Francis a SAA container of waste video jet

ink in a 3.5 gallon container. Ms. Sims explained that each packaging line has a SAA container of waste video jet ink and "make-up fluid". The inspection continued to the Environmental Waste Accumulation Area. Ms. Wilquet showed Inspector Francis two 30-gallon containers labeled as "Lab Waste F002/D002" (see photographs number 1 and 2). Ms. Wilquet also showed Inspector Francis an area in the Environmental Waste Accumulation Area where used fluorescent lamps, PCB ballasts, waste mercury switches, and used batteries are accumulated. Inspector Francis asked Ms. Wilquet about a yellow flammable locker in the room. Ms. Wilquet showed Inspector Francis that the locker contained cans of waste paint and waste aerosol cans. In addition, Ms. Wilquet pointed out a tote of oil and soil from an elevator spill incident. Ms. Wilquet told Inspector Francis that the material was being characterized. The inspection continued to the "10-11 Shop" where Ms. Wilquet showed Inspector Francis a Safety-Kleen parts washer containing "Premium Gold" solvent. Ms. Wilquet explained that Safety-Kleen comes in and replaces the solvent periodically, which has a flash point of 148 degrees Fahrenheit. The inspection continued to the "Used Oil Area". Inspector Francis observed four 330 gallon totes of used oil. The inspection continued to the Boiler House. Ms. Sims showed Inspector Francis an area in the Boiler House where universal waste lamps are accumulated. The inspection group then returned to the conference room to review records.

Records Review

A record review was conducted. Inspector Francis requested to review manifests, contingency plan, training records, used oil shipment documentation for P&G. Ms. Sims provided Inspector Francis with hazardous waste manifests from 2009, 2008, and 2007, non-hazardous waste manifests, universal waste off-site shipment information and current waste profiles. The last shipment of hazardous and universal waste was on 10/17/2008, and the last shipment of laboratory waste (F002/D002) was on 9/24/2008. Ms. Sims provided the inspector with training records, and a December 2007 copy of the contingency plan. Hazardous waste training was last offered in December 2008.

Closing Conference

The inspector conducted a closing conference. Inspector Francis explained that he would review his notes from the inspection, and generate an inspection report. P&G would then receive a letter from U.S. EPA regarding the inspection including a copy of the inspection report, completed inspection checklists and a copy of the photographs taken during the inspection. Inspector Francis notified Ms. Sims, Ms. Wilquet, and Mr. Delvoye that he had concerns about the labeling of hazardous waste containers in the less than 90 day accumulation area, and the distribution of the contingency plan. Ms. Sims told Inspector Francis that she would follow up with the Brown County Local Emergency Planning Committee and inquire about the distribution of the contingency plan.

Attachments

Inspection Checklists.
Photographs.

Inspection Checklist for Subpart CC: Air Emission Standards (Containers)

Item # 40 CFR:

CC-1	**265. 1080**	**Do any of the following exclusions apply? If yes, please circle.**	**YES**	**NO**

Applicability: The air emission requirements apply to units subject to subpart I * unless the following apply (circle if applicable):

1. Waste was placed in unit prior to Oct. 6, 1996, and none has been added since.
2. The container capacity is less than .1 cubic meter (26 gallons)
3. A unit (e.g. tank) has stopped adding waste and is undergoing closure
4. The unit is used solely for onsite treatment or storage as a result of remedial activities required under corrective action, Superfund, or other similar state program
5. The unit is used solely to manage radioactive mixed waste
6. The unit is regulated by and operates in accordance with Clean Air Act regulations

***Note: 1. Satellite containers are exempt 2. CESQG's and SQG's are exempt**

CC-2	**265.1083**	**Do any of the following exemptions apply? If yes, please circle**	**YES**	**NO**

General Standards: The owner/operator must control air emissions from waste management units except the unit is exempt if (please circle if applicable):

1. All hazardous waste entering the unit has an average VO concentration at the point of origination less than 500 parts per million by weight (waste determination required)
2. The organic content of all waste entering the unit has been reduced by one of the 8 acceptable destruction or removal processes.
3. The unit is a tank used for certain biological treatment
4. The hazardous waste placed in the unit meets the LDR numerical concentration limits or has been treated using the specified LDR treatment technology (for organics)
5. The unit is a tank used for bulk feed to an incinerator and meets certain requirements

CC-3	**265.1084**	**Waste Determination**:	Determination Not Needed (X)	**Determination Needed**

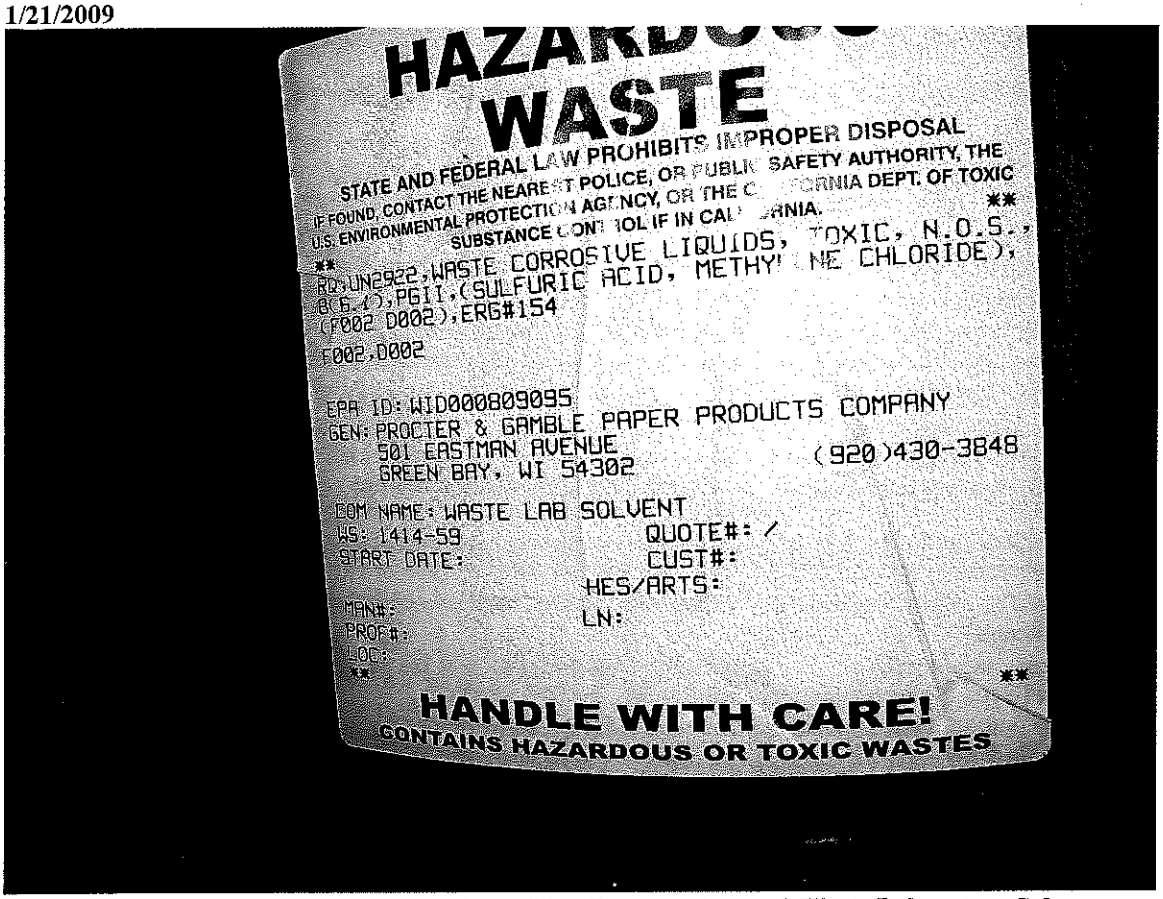
Was the VO concentration properly determined for each waste which the facility manages in a unit which does not meet Subpart CC requirements? The concentration must be determined by either direct measurement or knowledge. Please see 265.1084 for specific requirements for measurement and knowledge. Determination is not needed for waste managed in containers which meet standards. It may be necessary to evaluate container management prior to requiring VO concentration determination.

#	NA=Not Applicable, NI=Not Inspected, OK= In Compliance, DF= Deficiency	NA	NI	OK	DF

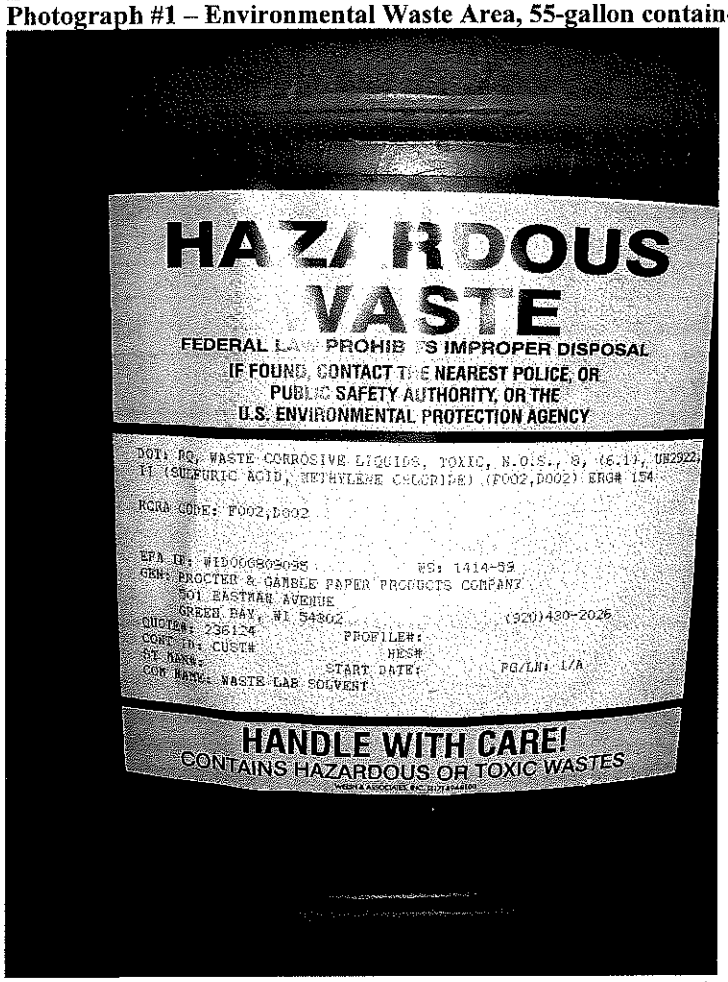
CONTAINER MANAGEMENT 265.1087

Level 1	Level 2	Level 3
Larger than 26.4 gallons and less than or equal to 122 gallons, or larger than 122 gallons and do not manage H.W. in light material service	Larger than 122 gallons and manage H.W. "in light material service" (definition at 265.1081)	Larger than 26.4 gallons and treat H.W. by a stabilization process
CC-4 **265.1087** **Controls** (OK)		
One of the following: -Use containers that meet DOT requirements -Use a cover and control with no visible gaps, holes or other open spaces into the interior of the container -Use organic vapor suppression on or above the container 265.1087(c)	One of the following: -Use containers that meet DOT requirements -Use containers that operate with no detectable emissions (method 21) -Use containers that are demonstrated to be vapor-tight within the last 12 months (method 27) 265.1087(d)	-Containers used to stabilize H.W. with volatile organics greater than 500 ppm -For waste stabilized in a container either: 1.container must be vented directly to a control device; or 2.container is vented inside an enclosure which is exhausted through a closed vent to a control device -Conservation vents are not allowed 265.1087(b)(2)

Procter & Gamble Paper Products Company
Green Bay, Wisconsin
1/21/2009

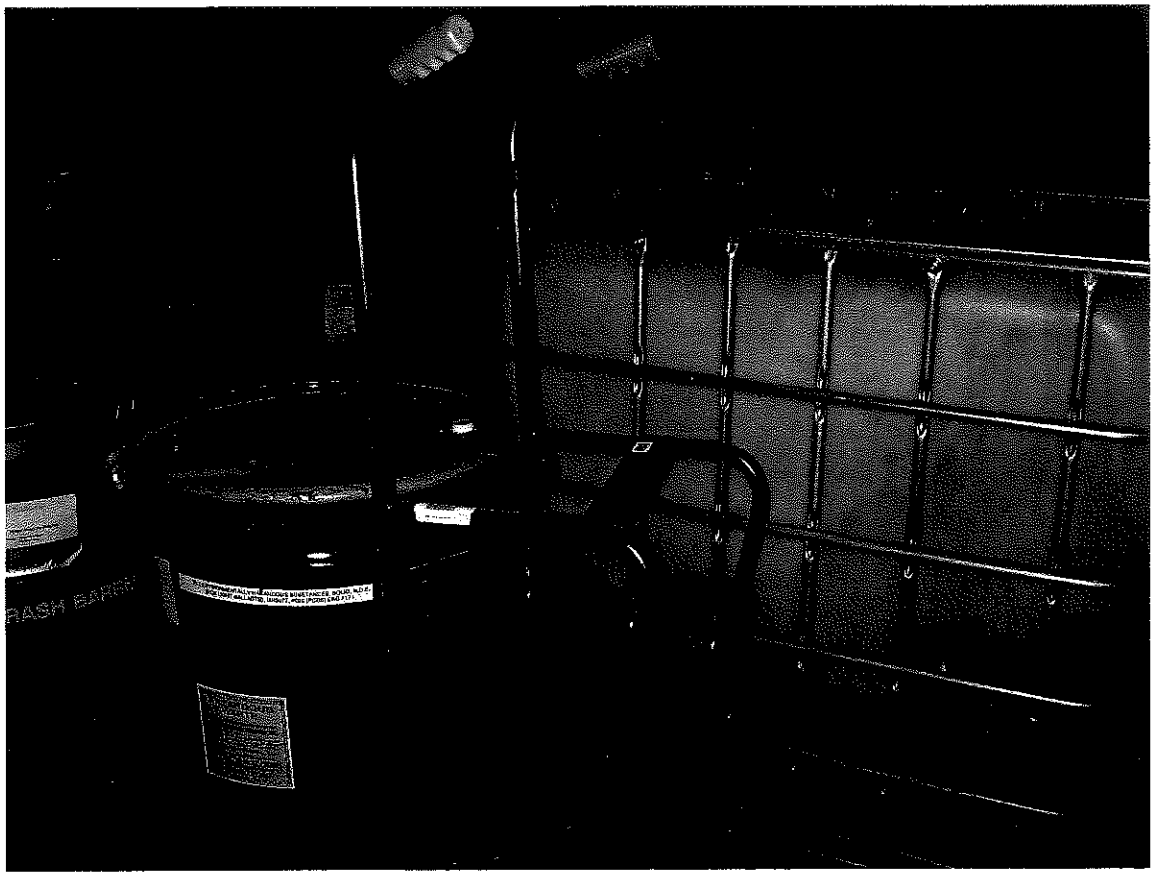


Photograph #1 – Environmental Waste Area, 55-gallon containers of Waste Laboratory Solvent.



Photograph #2 – Environmental Waste Area, 55-gallon containers of Waste Laboratory Solvent.

Procter & Gamble Paper Products Company
Green Bay, Wisconsin
1/21/2009



Photograph #3 – Environmental Waste Area, Tote of Oil Mixture.

Allan Batka
10/31/02 11:44 AM

To: Rita Cestaric/R5/USEPA/US@EPA
cc:
Subject: Request for information

Please see attached regarding Proctor and Gamble


OECAupdate.w

----- Forwarded by Allan Batka/R5/USEPA/US on 10/31/02 11:45 AM -----

Paul Little
10/30/02 03:22 PM

To: Allan Batka/R5/USEPA/US@EPA
cc:
Subject: Request for information

Allan, can we send her the weekly report item you did for P&G?
----- Forwarded by Paul Little/R5/USEPA/US on 10/30/02 03:25 PM -----

Joseph Boyle
10/30/02 03:20 PM

To: Paul Little/R5/USEPA/US@EPA
cc: Nita Leftridge/R5/USEPA/US, Phyllis Reed/R5/USEPA/US@EPA
Subject: Request for information

Please have Allen Batka write a status paragraph on the 7003 order to P&G we issued for methane at the Wisconsin landfill.
----- Forwarded by Joseph Boyle/R5/USEPA/US on 10/30/02 03:21 PM -----

Nita Leftridge
10/30/02 01:27 PM

To: Joseph Boyle/R5/USEPA/US@EPA, Phyllis Reed/R5/USEPA/US@EPA, Willie Harris/R5/USEPA/US@EPA, Karl Bremer/R5/USEPA/US@EPA, John Connell/R5/USEPA/US@EPA
cc:
Subject: Request for information

----- Forwarded by Nita Leftridge/R5/USEPA/US on 10/30/02 01:29 PM -----

Rita Cestaric
10/30/02 12:12 PM

To: Jo-Lynn Traub/R5/USEPA/US@EPA, Phyllis Reed/R5/USEPA/US@EPA, Gary Gulezian/R5/USEPA/US@EPA, David Ullrich/R5/USEPA/US@EPA, Steve Rothblatt/R5/USEPA/US@EPA, William Muno/R5/USEPA/US@EPA, Jerri-Anne Garl/R5/USEPA/US@EPA
cc: Bharat Mathur/R5/USEPA/US@EPA, Norma Ignasiak/R5/USEPA/US@EPA, Nita Leftridge/R5/USEPA/US@EPA, Linda Sliwa/R5/USEPA/US@EPA, Cheryl Klebenow/R5/USEPA/US@EPA, Margie Johnson/R5/USEPA/US@EPA, Linda Telles/R5/USEPA/US@EPA
Subject: Request for information

Tom will be attending a November 18th meeting with some of the state directors and the companies listed below. We're asking the programs to do brief writeups of 1) any hot issues that you are aware of that these companies may raise and , 2)a brief summary of any interactions your division/office has with these companies Please e-mail these to me by COB Thursday, November 7th and let me know if you have any questions. Thanks.

Anheuser-Busch Companies
Bethlehem Steel
Georgia-Pacific
Infiltrator Systems Inc.
Proctor and Gamble
Lockheed Martin
Navistar

Case Conclusion Data Sheet

Please click here for instructions for completing the form

Program Contact: Allan Batka
Phone: 3-7316

ORC Attorney: Brian Barwick
Phone: 6-6620

Status: ☐ Draft ☒ Final ☐ Update

CASE BACKGROUND

1. ORC DOCKET Matter Number:
2. Regional Hearing Clerk Docket Number:
3. Program Docket Number: R7003-5-01-002

4. Judicial Court Docket Number:
*5. Case Name (Add Defendants if other than case name) **H & R Paper and Refuse Landfill**
Additional Defendants: **The Procter & Gamble Paper Products Company**

FACILITY INFORMATION

6. EPA Program Facility ID:
*7. Facility Name: H & R Landfill
*8. Facility Street Address: Finger Road
City, State, Zipcode: Green Bay,, WI
County: Brown

*9. Primary 4-digit NAICS/SICCode: **4953**
10. Other 4-digit NAICS/SIC codes:

STATUTES AND AUTHORIZING SECTION INFORMATION

***Media Program**
*11. Statute(s) and Section(s) Violated:
*12. Authorizing Section for Administrative Actions: RCRA 7003
***Violation Type:** **Operation & Maintenance (O&M)**

ACTION TYPE

*13. Action Type: **Administrative compliance order (AOC/UAO/PPA)**
14a. ALJ Decision:
14b. EAB Appeal Date:
14c. EAB Decision Date:
*16. Administrative Compliance Order Date: **09/27/2001**
*16a. Notice of Determination Date:

*16b. Field Citation Date:

17. Civil Judical Referral Date:
18. Civil Judicial Complaint Filed:

19. Consent Decree Lodge Date:
*20. Consent Decree Entry Date:

21. Was this a multi-media action? ○ Yes ● No

23. Was this action part of a geographic initiative: ○ Yes ● No
24. Which (Check all that apply)? Great Lakes - Michigan

24a. Priority/Sector
25. Was this Agency activity taken in response to Environmental Justice Concerns? ○ Yes ● No
26. Is this a Small Business? ○ Yes ● No
26a. Was this a self-disclosure? ○ Yes ● No
27. Was Alternative Dispute Resolution used in this action? ○ Yes ● No

QUALITATIVE AND QUANTITATIVE INFORMATION

*28. Injunctive Relief/Compliance Activity: Include both actions completed prior to final settlement/order and actions to be taken by violator to return to compliance or meet additional requirements. Select responses from the following list. At least one action must be chosen: Emissions/discharge (install modify controls)

*29. Provide Description of Injunctive Relief/Compliance Activity:

Company will repair existing landfill gas collection system.

*30. Cost of actions described in previous question (Actual cost data supplied by violator is preferred figure)
Physical actions: Non-Physical Actions:

31. Acres in Violation:

32. Quantitative environmental impact of injunctive relief/compliance actions described in previous questions:
REDUCTIONS/ELIMINATIONS:

*Pollutant/Land Use	*Amount	*Units/Acres (Express in annual amounts)	*Percent% (of pollutant reduced/removed)	*Media
Methane				Landfill

SUPPLEMENTAL ENVIRONMENTAL PROJECTS (SEPs)

33. Categories of SEP (check all the appropriate categories)

☐ Public Health
☐ Pollution Prevention
☐ (1) equipment technology modifications
☐ (2) process/procedure modification
☐ (3) product reformulation/redesign
☐ (4) raw material substitution
☐ (5) improved housekeeping/O&M/training/inventory control
☐ (6) in-process recycling
☐ (7) energy efficiency/conservation
☐ Pollution reduction
☐ Environmental restoration and protection
☐ Assessments and audits
☐ Environmental compliance promotion
☐ Emergency planning and preparedness
☐ Other SEP category (specify)

Does SEP address any of the Region 5 Environmental Priorities

☐ Toxics Reduction
☐ Brownfields Redevelopment
☐ Environmental justice
☐ Sediment cleanup
☐ Ozone air quaility standards attainment
☐ Critical habitat protection and restoration

34. SEP Description:

No SEP

35. Cost of SEP (Cost Calculated by the PROJECT Model is preferred):

36. Quantitative environmental impact of SEP; pollutants and/or chemicals and/or waste streams and amount of reductions/eliminations (e.g., emission/discharges):

Pollutant	**Amount**	**Units**	**Percent%** (of pollutant reduced/removed)	**Media**

PENALTY

37. Proposed Penalty: $0.00

38. Assessed Penalty:

39. If Shared Federal Share:

40. If Shared State or Local Share:

41. For multi-media actions: Federal amounts by Statute

Statute	Amount
CAA	
CERCLA	
CWA 402	
CWA 311	
CWA 404	
EPCRA 304/312/325	
EPCRA 313	
FIFRA	
RCRA	
RCRA/UST	
SDWA/UIC	
TSCA	

COST RECOVERY (SUPERFUND ONLY)

42. Amount of cost recovery award: State and/or Local government:
Other:

*PLEASE ADD ADDITIONAL INFORMATION, INCLUDING SHORT CASE SUMMARY:

A gas collection systems at the H & R Landfill stopped functioning which led to the detection of explosive concentrations of methane gas within 30 feet of residential properties. USEPA issued 7003 to order Procter and Gamble to immediately repair the gas collection system.

DOCUMENT HISTORY

Paul Little
11/01/01 02:23 PM

To: Allan Batka/R5/USEPA/US@EPA
cc:
Subject: ACTION: OECA's FY2001 Annual Performance Report Chapter

Let's discuss re: H and R.
----- Forwarded by Paul Little/R5/USEPA/US on 11/01/01 02:25 PM -----

Joseph Boyle
11/01/01 08:40 AM

To: George Hamper/R5/USEPA/US@EPA, Lorna Jereza/R5/USEPA/US@EPA, Paul Little/R5/USEPA/US@EPA
cc:
Subject: ACTION: OECA's FY2001 Annual Performance Report Chapter

Any nominations that you would like to be considered?
----- Forwarded by Joseph Boyle/R5/USEPA/US on 11/01/01 08:42 AM -----

Tinka Hyde
11/01/01 08:06 AM

To: Sonja Brooks-Woodard/R5/USEPA/US@EPA, Linda Mangrum/R5/USEPA/US@EPA, Francene Harris/R5/USEPA/US@EPA, Jodi Swanson-Wilson/R5/USEPA/US@EPA, Lee Regner/R5/USEPA/US@EPA, Tywanna Greene/R5/USEPA/US@EPA, Mark Messersmith/R5/USEPA/US@EPA, George Czerniak/R5/USEPA/US@EPA, Eileen Deamer/R5/USEPA/US@EPA, Joseph Boyle/R5/USEPA/US@EPA, Anthony Restaino/R5/USEPA/US@EPA, Jose Cisneros/R5/USEPA/US@EPA, DOUGLAS BALLOTTI/R5/USEPA/US@EPA, John Gierczak/R5/USEPA/US@EPA, Mark Moloney/R5/USEPA/US@EPA, Dea Zimmerman/R5/USEPA/US@EPA, David Star/R5/USEPA/US@EPA, Anna Miller/R5/USEPA/US@EPA, Michael Smith/R5/USEPA/US@EPA, Eric Cohen/R5/USEPA/US@EPA, Carl Stimson/R5/USEPA/US@EPA, Joan Karnauskas/R5/USEPA/US@EPA, David Schulenberg/R5/USEPA/US@EPA, MARK HORWITZ/R5/USEPA/US@EPA, BEVERLY KUSH/R5/USEPA/US@EPA, James Filippini/R5/USEPA/US@EPA, Thomas Bramscher/R5/USEPA/US@EPA, William Macdowell/R5/USEPA/US@EPA, Brent Marable/R5/USEPA/US@EPA, Peter Spyropoulos/R5/USEPA/US@EPA, Lorna Jereza/R5/USEPA/US@EPA, Paul Little/R5/USEPA/US@EPA, George Hamper/R5/USEPA/US@EPA, RICHARD KARL/R5/USEPA/US@EPA, Phyllis Reed/R5/USEPA/US@EPA, Andrew Tschampa/R5/USEPA/US@EPA, Kelley Moore/R5/USEPA/US@EPA, Patrick Kuefler/R5/USEPA/US@EPA, Lisa Perenchio/R5/USEPA/US@EPA, Leverett Nelson/R5/USEPA/US@EPA, Stephen Mendoza/R5/USEPA/US@EPA, Sandra Lee/R5/USEPA/US@EPA, CatherineL Fox/R5/USEPA/US@EPA, Connie Puchalski/R5/USEPA/US@EPA, Deborah Garber/R5/USEPA/US@EPA, Debra Klassman/R5/USEPA/US@EPA, Janice Loughlin/R5/USEPA/US@EPA, Bertram Frey/R5/USEPA/US@EPA
cc:
Subject: ACTION: OECA's FY2001 Annual Performance Report Chapter

I'd like some feedback and ideas from you in order to respond to the following request. As you can see from the attached e-mail, OECA-HQ is working on completion of our FY01 Annual Performance Report and is looking for some good examples of accomplishments as "sidebars" to the chapter discussion. Specifically, they are interested in the following types of examples:

1) Federal actions (creative settlements, compliance assistance activities, self audits) that resulted in measurable environmental benefit; and
2) examples of state and/or tribal contributions.

A couple of ideas that come to mind include: the Chicago Lead cases -- a good example of state/local cooperation and measurable environmental outcomes in the abatement of several housing units. Although the work was done in 2001, the cases didn't get filed in federal court until the first week in October.

The Petroleum Refining Cases: Settlements w/ several facilities resulting in significant improvements to the environment.

Any reactions other ideas?? **If so, please use the OECA Correspondence System to respond with ideas by COB 11/5/01 (click here for access to the database ==>).** NOTE: If you have additional ideas, please provide the details related to environmental benefit (e.g., amount of pollutants reduced) or the state/tribal contribution (name of state/tribe and the details surrounding the activities). Thanks

Tinka G. Hyde
Chief
Office of Enforcement and Compliance Assurance
77 W. Jackson Blvd, Chicago, IL 60604
Fax: (312) 353-1120, Phone: (312) 886-9296
----- Forwarded by Tinka Hyde/R5/USEPA/US on 11/01/2001 07:51 AM -----

Jim Grove
10/30/2001 08:07 PM

To: Samuel Silverman/R1/USEPA/US@EPA, Ken Moraff/R1/USEPA/US@EPA, Lucy Casella/R1/USEPA/US@EPA, Gerry Levy/R1/USEPA/US@EPA, Clara Chow/R1/USEPA/US@EPA, Laura Livingston/R2/USEPA/US@EPA, LisaP Jackson/R2/USEPA/US@EPA, Barbara McGarry/R2/USEPA/US@EPA, Samantha Fairchild/R3/USEPA/US@EPA, Betty Barnes/R3/USEPA/US@EPA, Sherri Fields/R4/USEPA/US@EPA, Bruce Miller/R4/USEPA/US@EPA, Shannon Maher/R4/USEPA/US@EPA, Becky Allenbach/R4/USEPA/US@EPA, Tinka Hyde/R5/USEPA/US@EPA, Linda Mangrum/R5/USEPA/US@EPA, Tai-Ming Chang/R6/USEPA/US@EPA, Walter Biggins/R6/USEPA/US@EPA, Connie Overbay/R6/USEPA/US@EPA, Cecilia Tapia/RGAD/R7/USEPA/US@EPA, Diana Jackson/RGAD/R7/USEPA/US@EPA, Carol Levalley/RGAD/R7/USEPA/US@EPA; Mike Gaydosh/ENF/R8/USEPA/US@EPA, Eddie Sierra/ENF/R8/USEPA/US@EPA, Liz Rogers/ENF/R8/USEPA/US@EPA, Lauris Davies/R10/USEPA/US@EPA, Deborah Flood/R10/USEPA/US@EPA
cc: Ginger Gotliffe/DC/USEPA/US@EPA, Robert Tolpa/DC/USEPA/US@EPA, Sally Seymour/R9/USEPA/US@EPA, Kate Nooney/R9/USEPA/US@EPA, Angela Baranco/R9/USEPA/US@EPA
Subject: OECA's FY2001 Annual Performance Report Chapter

Howdy All,

Once again it's time to prepare the Agency's Annual Performance Report and OECA has begun drafting the Goal 9 chapter which is due to the Office of the Chief Financial Officer (OCFO) by November 30th. OECA Offices and Divisions will prepare the bulk of the report, but have asked for regional help in providing some good examples of accomplishments as "sidebars" to the chapter discussion. OCFO

guidance states that the major focus of the Goal chapter should be an executive-level assessment of FY 2001 performance and trends toward longer-term goals and objectives, with a focus on environmental results or significant programmatic achievements. OCFO also wants to stress State & Tribal partners and Data Quality. The chapters are to be concise, limited to 5 pages, not including performance data charts.

OECA would like examples of:

1) Federal actions (creative settlements, compliance assistance activities, self audits) that resulted in measurable environmental benefit; and
2) examples of state and/or tribal contributions.

I've included an excerpt from OCFOs guidance re. State/Tribal contributions FYI.

OECA needs our input by **Wed., Nov. 7**, to ensure that they meet the schedule approved by Mike Stahl for completing the Goal Chapter. Therefore, please send your contributions to me by Nov. 6, or, if that is not possible, directly to Ginger Gotliffe by the 7th.

Thanks Much,

Jim Grove
(415) 744-2218

State and Tribal Contributions

- The Goal Chapter narrative should briefly summarize state and tribal accomplishments and contributions toward achieving environmental results and annual performance goals, as appropriate. The chapter should:

1. Emphasize the level of involvement of state contributions toward the Goal, particularly in the case of state delegated authority.
2. Discuss, as appropriate, relationships with state organizations such as ECOS, and agricultural and public heath organizations.
3. Discuss results associated with core performance measures, especially areas where EPA collects and reports data.
4. Highlight tribal contributions to protecting human health and those accomplishments which contribute to environmental outcomes or significant programmatic achievements, such as environmental progress in Indian countries.
5. Note the extent to which tribal governments have assumed responsibility for carrying out the work of the Goal on tribal lands.
6. Use web sites, when appropriate to link to specific state or tribal programs.

BARWICK 6-6620

Joseph Boyle

06/20/01 05:00 PM

To: Brian Barwick/R5/USEPA/US
cc: Patrick Kuefler/R5/USEPA/US@EPA, Allan Batka/R5/USEPA/US@EPA, Paul Little/R5/USEPA/US@EPA, Springer.Robert@EPA.GOV@EPA
Subject: Re: H&R Landfill

As with all authority to issue orders, there is a delegation. To my knowledge, the delegation chain includes the RA, WPTD Director, and ECAB Chief, but does not include the SD Director.

I would name as the "RCRA assignee" Alan Batka, Compliance Section 2, ECAB. His acting supervisor (until July 1) is Pat Kuefler. Paul Little completes his detail on June 30.

What involvement, if any, have you or the Superfund Division had with WDNR that ECAB should be aware of?
Brian Barwick

Brian Barwick

06/20/01 12:08 PM

To: Joseph Boyle/R5/USEPA/US@EPA
cc:
Subject: H&R Landfill

Joe:

H&R Landfill is located up near Green Bay and is a closed Subtitle D landfill. Superfund removal is planning to conduct a removal at the site to address migration of methane gas. Currently, there is methane at 50% of the lower explosive level within 30 feet of two residences.

While CERCLA $ can be used to address methane, EPA cannot recover those funds since methane is not a hazardous substance as that term is defined under CERCLA. For that reason, ORC and OECA think that we should try issuing a 7003 Order prior to spending unrecoverable Superfund $. If the Order recepient (in this case Proctor and Gamble) does not comply, CERCLA would go ahead and address the situation and we would refer the matter to DOJ for penalties.

Connie thinks that there is a process for authorizing Superfund to issue a 7003 Order (or prepare one for RCRA to issue). I think superfund/ORC would do the work putting the order together, etc. Do we get a RCRA assignee?

We need to move quickly on this matter. Ideally, we would issue the Order by the end of the month.

Brian

- left message on 6/26/01 10AM

Joseph Boyle

06/21/01 08:25 AM

To: Allan Batka/R5/USEPA/US@EPA, Patrick Kuefler/R5/USEPA/US@EPA
cc: Paul Little/R5/USEPA/US@EPA
Subject: Re: H&R Landfill

----- Forwarded by Joseph Boyle/R5/USEPA/US on 06/21/01 08:25 AM -----

Brian Barwick

06/20/01 05:09 PM

To: Joseph Boyle/R5/USEPA/US@EPA
cc:
Subject: Re: H&R Landfill

DNR referred this to us. In 1988 they entered into a settlement with Proctor and Gamble and the landfill owners that released the defendants from any future liability for the site. So, DNR cannot proceed under its own authorities against P&G. The corporation that owns the landfill has been involuntarilly dissolved by the State, has no assets, and two of the three individuals involved in the corporation are now deceased. We're looking for the third guy but not having much luck.

Brian Barwick

06/22/01 04:26 PM

To: Allan Batka/R5/USEPA/US@EPA
cc:
Subject: H & R Landfill

Alan:

I assume your assigned to this matter. Yesterday, I extended an offer to Proctor & Gamble to meet with EPA to discuss their responsibilities at the site. I told them any such meeting would have to take place before the end of next week and could be in-person or via telephone. Their in-house counsel said he would get back to me.

Brad Benning of Emergency Response is up to date on the technical aspects and is available for a meeting next week (wed- Fri). I'll let you know when I hear from P&G.

Brian Barwick
6-6620

744 Heartland Trail (53717-1934)
PO Box 8923 (53708-8923)
Madison, WI
Telephone (608) 831-4444
Fax (608) 831-3334

H&R Paper and Refuse Landfill Mitigation Plan Final Report

February 2002

Steven G. Wittmann
Senior Project Manager

Mark J. Torresani, P.E.
Project Engineer

Procter&Gamble

The Procter & Gamble Paper Products Company

East River Plant
P.O. Box 8010 - Green Bay, Wisconsin 54308-8010

Fox River Plant
P.O. Box 8020 - Green Bay, Wisconsin 54308-8020

February 28, 2002

Mr. Brad Benning
U.S. EPA Region V (SE-5J)
77 W. Jackson Blvd.
Chicago, IL 60604

Subject: H&R Landfill Mitigation Final Report, AO R7003-5-01-002

Dear Mr. Benning:

Enclosed is the final report prepared by RMT, Inc. detailing mitigation activities and monitoring relative to landfill gas migration at the H&R Landfill in Green Bay, WI. The enclosed report satisfies The Procter & Gamble Paper Products Co.'s obligations under Administrative Order R7003-5-01-002.

Should you have any questions regarding this report, please feel free to contact me at (920) 430-3898.

Sincerely,

George Buttke
Site Environmental Leader

cc (w/enclosure): Ann Bailey – P&G Legal Division
Brian Barwick – USEPA Region V
Kristin DuFresne – WDNR/Northeast Region

Certification

This final report was prepared under the direction of the following professional engineer:

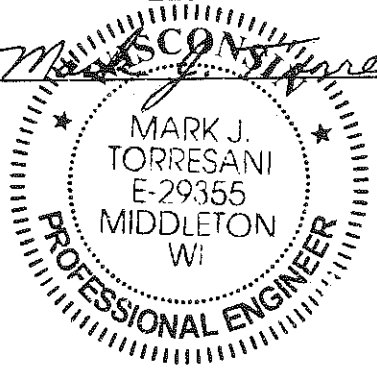
COA Officer Certification

Name: Mr. Mark J. Torresani, P.E.

Registration number: E-29355 Wisconsin

Statement: This Mitigation Plan Final Report was prepared under my supervision; and, under penalty of law, I certify that based on information and belief formed after reasonable inquiry, the information submitted is true, accurate, and complete.

Signature: Mark J. Torresani Date: 2/28/02



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Preface

The H&R Landfill is located on Finger Road in southeastern Green Bay, Brown County, Wisconsin. The site is bordered to the south by Finger Road, to the east by Spring Breeze Lane, to the north by a golf course, and to the west by Huron Street and Iris Court. The landfill cover supports healthy tall grass vegetation.

The H&R Landfill was operated by H&R Paper and Refuse Service, Incorporated, as a solid waste disposal facility from approximately 1971 through 1983. A portion of the solid wastes that were disposed in the H&R Landfill consisted of cooked wood chips, cellulose fines, tree bark, sawdust, water treatment sludge, and fly ash.

In the fall of 1985, the Wisconsin Department of Natural Resources (WDNR) detected subsurface methane gas adjacent to the H&R Landfill. In response, the WDNR installed a landfill gas migration control system outside the limits of waste on H&R Landfill property, to prevent subsurface migration of methane gas. This gas migration control system consisted of 26 vertical gas extraction wells connected by valved laterals to a header pipe connected to an electric blower. The blower was designed to vent directly to the atmosphere. Historically, during periods of high precipitation and during spring snow melt, water has accumulated in several of the perimeter gas extraction wells rendering sections of the gas migration control system inoperable. Pumping collected liquid from the perimeter gas extraction wells on a regular basis has allowed the system to remain operational.

The United States Environmental Protection Agency (USEPA) issued a unilateral Administrative Order effective on October 4, 2001, to The Procter and Gamble Paper Products Company (P&G) to complete a remedial action related to the migration of landfill gas at the H&R Paper and Refuse Landfill (Appendix A). The Administrative Order required the completion of action items within a specific time frame. P&G completed the following tasks within those time frames: Gas System Mitigation Plan submittal, Mitigation Plan construction, Mitigation Demonstration, and the submittal of this Mitigation Final Report.

The H&R Paper and Refuse Landfill Mitigation Plan was submitted to the USEPA on October 10, 2001. The Mitigation Plan consisted of text and engineering drawings detailing the construction of the mitigation system and demonstration of the effectiveness of the mitigation system.

Construction of the mitigation system began on November 13, 2001, following approval of the Mitigation Plan by the USEPA. Construction of the mitigation system included excavating and installing new gas extraction piping to replace sections of the existing header pipe, retrofitting four of the existing gas wellheads with a system more effective at limiting water infiltration, installing a geomembrane panel above the newly installed gas header pipe to limit surface water infiltration, regrading and reseeding the cover in the area of the construction, and replacing the entrance gate at Not [redacted]. The construction of these items was substantially completed on November 5, 2001.

Following completion of planning, design, and construction activities, the modified gas extraction system was monitored from November 5, 2001, to January 4, 2002, to show that it effectively prevents off-site migration as determined by compliance limits specified in 40 CFR 258.23(a)(2). The methane levels did not exceed the limits specified in 40 CFR 258.23(a)(2). Therefore, the action items in the Administrative Order were met, and the mitigation system was demonstrated to be effective.

The USEPA required that a final report summarizing all actions taken under the Administrative Order be submitted to the USEPA. This report consists of the documentation of the construction activities and mitigation demonstration at the H&R Paper and Refuse Landfill Site in Green Bay, Wisconsin, developed in response to Section VII of the Administrative Order.

Section 1
Project Summary

Project name:	H&R Paper and Refuse Landfill Mitigation Plan Construction Documentation Report
Contractors:	RMT, Inc. – General contractor, project management, CQA Terra Construction and Engineering - Earthwork, piping Mau and Associates – Surveying
Soil testing laboratory:	RMT, Inc.
Construction start:	October 29, 2001
Substantial completion of construction:	November 5, 2001
Area constructed:	Approximately 1.5 acres (final cover)
Fine-grained fill	
Placement dates:	October 31, 2001 - November 1, 2001
Quantity:	Approximately 500 cubic yards
Geomembrane	
Placement dates:	October 30, 2001 - November 1, 2001
Quantity:	730 square yards (liner above header pipe)
Erosion matting	
Placement dates:	November 5, 2001
Quantity:	800 square yards
Piping/Gas wells	
Placement dates:	October 30, 2001 – November 1, 2001
Quantity:	300 linear feet, 4 wellhead replacements, condensate sump
Gravel fill	
Placement dates:	October 30, 2001 – November 2, 2001
Quantity:	Approximately 90 cubic yards

Topsoil placement	
Placement dates:	November 2, 2001 - November 5, 2001
Quantity:	Approximately 100 cubic yards
Fence installation and access road construction	
Placement dates:	November 2 through 5, 2001
Quantity:	One 16-foot swing gate, 20 linear feet of fence, 320 linear feet of 12- to 15-foot–wide road
Mitigation demonstration	
Gas monitoring dates:	November 5, 2001, to January 4, 2002

Section 2
Introduction

2.1 Project Background

The H&R Landfill is located on Finger Road in southeastern Green Bay in Brown County, Wisconsin. The site is bordered to the south by Finger Road, to the east by Spring Breeze Lane, to the north by a golf course, and to the west by Huron Street and Iris Court. The landfill cover supports healthy tall grass vegetation.

In 1985, a gas extraction system, consisting of 26 vertical gas extraction wells connected to a header and blower system, was installed. Historically, during periods of high precipitation and during spring snow melt, water accumulates in the system, rendering the extraction wells on the northwestern side of the landfill ineffective.

The United States Environmental Protection Agency (USEPA) issued a unilateral Administrative Order effective on October 4, 2001, to The Procter and Gamble Paper Products Company (P&G) to complete a remedial action related to the subsurface migration of landfill gas at the H&R Paper and Refuse Landfill (Appendix A). The Administrative Order required the completion of action items within a specific time frame. Those specified tasks, time frame, and the actual completion dates are as follows:

TASK	REQUIRED COMPLETION DATE	ACTUAL COMPLETION DATE
Submit Remedial Action Plan	10/18/01	10/10/01(1)
Begin construction activities	11/13/01(2)	10/29/01
Complete construction activities	12/4/01(3)	11/5/01
Submit final report	3/5/02(4)	2/28/02

Notes:
(1) Verbal approval of the Remedial Action Plan was given by Brad Benning of the USEPA on October 16, 2001 (see Appendix A for e-mail message from George Buttke).
(2) Construction activities must begin within 4 weeks of receiving Remedial Action Plan approval.
(3) Construction activities must be completed within 7 weeks of receiving Remedial Action Plan approval.
(4) The final report must be submitted within 60 days of completion of the last day of monitoring required in the Mitigation Plan. The last site monitoring was conducted on January 4, 2001.

2.2 Purpose and Scope

This report and its accompanying engineering documentation plans present the results of RMT's and Mau & Associates construction observation and field surveys that were conducted for the mitigation plan construction activities at the H&R Landfill. The report also addresses the requirements of the USEPA's approval letters.

The scope of this report includes documentation of the following:

- Site survey and construction control
- Landfill gas extraction system retrofit
- Geomembrane liner installation above the header pipe
- Surface water control installation and grading
- Mitigation demonstration
- Miscellaneous site construction

The following items were used in preparing this report:

- Daily construction observation reports
- Project plans and specifications
- Field/Laboratory testing results
- Record surveys
- Construction photographs
- USEPA correspondence

2.3 Construction Schedule

Construction began with equipment mobilization by Terra on October 29, 2001. A chronological listing of the dates for the major components of construction follows:

START DATE	TASK
October 29	Initial mobilization, stripping of topsoil, site grading for positive drainage, beginning gas well retrofit, trenching, and pipe installation
November 1	Finishing pipe installation and gas retrofit and installing pipe boots, vaults over wellhead, and clay access road/diversion berm
November 2	Completing clay access road/diversion berm and beginning topsoil placement
November 5	Final grading of topsoil and placement of erosion matting
November 5	Seeding, fertilizing, and mulching

Section 3
Landfill Gas Extraction System Retrofit

3.1 Landfill Gas Extraction System

3.1.1 General Discussion

The original landfill gas (LFG) management system at the closed H&R Landfill is an active extraction system designed to meet the following objectives:

- To limit the migration of landfill gases beyond the facility boundary
- To maintain methane concentrations beyond the property boundary and in site structures to less than 25 percent of the LEL

The entire system consists of 26 perimeter gas extraction wells, wellheads, gas header piping, buried service valves, a blower station, and system electrical service and controls. The gas system retrofit plan included refitting four of the gas extraction wells, replacing approximately 300 feet of gas header piping, and installing a new condensate tank. System construction began on October 29, 2001, and was substantially completed on November 5, 2001. Following construction completion, monitoring of the gas system continued until January 4, 2002, as described in Section 7: Mitigation Demonstration.

Construction activities were performed in accordance with the H&R Paper and Refuse Landfill Mitigation Plan dated October 2001. The landfill Mitigation Plan consisted of text and engineering drawings, which include system layout and details. The Mitigation Plan text provided a written description of the system, including material information and installation procedures. The H&R Paper and Refuse Landfill Mitigation Plan was submitted to, and approved by, the USEPA prior to system installation.

3.1.2 Wellheads

The previously installed PVC gas header pipe was connected to the gas extraction wells with a PVC lateral pipe located beneath the surface. Refer to Detail 1 on Plan Sheet 7 for details of the original installation. The existing gas extraction wells GW-23, 24, 25, and 25R were excavated to the existing lateral connection (Photo No. 1, Appendix B), and the lateral connection was then removed from both the extraction well and header pipe (Photo No. 2, Appendix B). An 8-inch to 6-inch PVC reducer was glued onto the existing 6-inch well pipe, 8-inch PVC pipe was installed from that point to the ground surface (Photo No. 3, Appendix B), and a new bentonite seal at the well pipe was established

(Photo No. 4, Appendix B). The new gas header riser consisted of a 6-inch HDPE tee welded to the new header pipe (Photo No. 5, Appendix B), a 6-inch to 4-inch HDPE reducer and a 4-inch–diameter SDR 11 HDPE vertical riser. An LFG&E, Model PC 100 FX prefabricated wellhead was installed between the 8-inch well pipe and the header pipe riser. The new wellheads were installed aboveground as shown on Detail 2 on Plan Sheet 7. Photo No. 16 in Appendix B shows the finished wellhead construction. In addition, a well vault was installed over the wellhead to limit access to the system and to prevent surface water from entering the system through the surface. Access to the well vault is obtained through a bolted on (allen wrench) panel.

3.1.3 Gas Header Piping

The new gas header piping, which transports the LFG from the extraction wells to the blower station, connects to the previously installed header system north of GW-23 at station 0+00 with two HDPE 45-degree bends (see Plan Sheet 5, which is included in the drawings submitted as part of this report). The new header piping consists of approximately 300 feet of 6-inch–diameter SDR 17 HDPE pipe. In addition to the 6-inch–diameter header pipe, two 1-inch–diameter SDR 11 HDPE pipes were installed in the header trench (Photo No 6, Appendix B). The 1-inch–diameter pipes were installed to act as a liquid forcemain and an air supply pipe if liquids pumping is required in the future.

A backhoe was used to excavate the trench for header pipe installation. The top of the pipes was installed a minimum of 4 feet below final grade for frost protection. The HDPE pipe and fittings were joined by butt fusion. The gas header piping was installed as shown on Plan Sheet 5. The header piping maintained a slope of 0.5 percent from GW-23 to GW-25 and a slope of 3 percent from GW-25 to the condensate tank. Refer to Table 1 for a summary of header pipe installation grades. The header pipe was bedded as shown on Detail 2 on Plan Sheet 6 and placed in the location shown on Plan Sheet 5 of 7. During trenching operations, several small areas of paper sludge waste were encountered (Photo No. 19, Appendix B). This waste was used as backfill between the pipe bedding and final cover at the same location where it originated. The locations where the waste was uncovered are shown on Plan Sheet 5. The WDNR approved this plan as discussed with Bruce Urban on October 30, 2001, and documented in a letter to him attached in Appendix A.

3.1.4 Pipe Backfilling

The header pipe backfilling sequence included the following, from bottom to top: a minimum 6-inch–thick layer of select aggregate fill on the sides and over the pipe (Photo

No. 7, Appendix B); a layer of compacted fine-grained soil; a layer of 30-mil PVC geomembrane (Photo No. 8, Appendix B); a 12-inch–thick layer of compacted fine-grained fill; and a 6-inch–thick layer of topsoil. The fine-grained soil from the existing cover that was removed from the pipe trench was reused where possible as pipe backfill.

Additional fine-grained soil was required and was obtained from Ed Gersek, Inc. A summary of the field-testing results for the borrow soil is presented in Table 2. As shown in Table 2, the fine-grained soil placed above the gas header piping was compacted adequately. The fine-grained soil was placed in loose lifts, and compacted with a CA 15 Caterpillar sheeps-foot roller (Photo No. 10, Appendix B). Push-tube samples were collected to determine the dry density and moisture of the compacted soil. The dry densities were compared with the maximum dry density as determined by the Standard Proctor Method (ASTM D 698-91 Procedure A). Refer to Appendix C for Fine-Grained Soil Laboratory Test Results. The densities were found to range from 101 percent to 105 percent of the maximum dry density. The compactive effort of the sheeps-foot compactor was greater than that associated with the Standard Proctor. This, combined with a slight material difference, explains how density values can be over 100 percent compaction. These results show that the fine-grained material above the header piping has been placed and compacted adequately to minimize long-term settlement and precipitation infiltration.

3.1.5 Condensate Handling System

The condensate handling system was designed to gravity-drain condensate from gas extraction Wells 23, 24, 25, and 25R to the new condensate tank (Detail 1 on Plan Sheet 6) located south of Well 25R. The condensate tank is located 29 feet south of gas extraction Well 25R (Photo No. 11, Appendix B). It was placed on a 1-foot–thick layer of select aggregate fill, and the excavation was backfilled with the fill. The new condensate tank has a capacity of approximately 500 gallons before pumping is required.

3.2 Final Cover Restoration

The landfill cover areas disturbed during trenching for the landfill gas extraction system and regrading activities were restored with on-site cover soil, as described in Section 5: Surface Water Control Installation and Grading. The final cover was graded to provide positive drainage and smooth contours.

3.3 Existing Buried Electric Line

The previously constructed electric line for the leachate pumping system is routed from an electric pole at the end of the Not [redacted] cul-de-sac below ground to the leachate lift station

located south of GW-25R. This electric line crosses the area of gas header system construction, and it was found to be buried only 6 inches to 8 inches deep. Sometime during the site construction activities, the electric line became inoperable. The electric power line was reinstalled overhead on January 15, 2002, by Steigler Electric who installed a power pole on the eastern side of the gas header line approximately 20 feet east of GW-25. The electric line east of that new pole was then reconnected to the new overhead line. After that reinstallation, it was determined that the remaining buried line was still inoperable, and the City of Green Bay installed an aboveground temporary line from the new power pole to the lift station. The installation of a permanent power line to replace the temporary line is scheduled to be completed by June 30, 2002, when site conditions allow for vehicle access.

3.4 System Operation During Construction

During the construction period, the system was required to remain operational. This was accomplished by constructing the gas extraction wells and gas header piping in sections and hooking the system back together at the end of each working day (Photo No. 12, Appendix B).

Section 4
Geomembrane Liner Installation Above the Header Pipe

To further prevent surface water infiltration into the gas extraction system, a geomembrane was installed above the pipe trench. Geomembrane installation began on October 30, 2001, and was completed on November 1, 2001. The geomembrane was supplied by Environmental Protection, Inc. (EPI), and was installed by Terra. The geomembrane consists of 30-mil PVC liner and is 18.75 feet wide and 350 feet long (a 200-foot roll and a 150-foot roll). The geomembrane was fabricated according to the EPI Quality Control Manual dated March 1, 1998, and the material meets or exceeds the PGI 1197 (which replaces NSF-54) minimum material physical properties.

4.1 Subgrade Preparation

Prior to the installation of the geomembrane, the geomembrane subgrade was rolled with a sheeps-foot compactor and inspected for the presence of protrusions, stones, and construction debris. Protruding stones or other debris were removed, and holes left by their removal were replaced with clay. The geomembrane subgrade was inspected by Terra and RMT personnel just prior to deployment of the geomembrane roll to confirm that the subgrade was acceptable.

4.2 Placement

Geomembrane deployment began on the northern end of the header pipe and progressed to the south. The geomembrane roll was hand-deployed.

Care was taken during placement of the geomembrane so that no potentially damaging objects were placed directly on top of the geomembrane. As the panels were being deployed, they were inspected for defects. No defects were observed at the time of deployment.

4.3 Seaming

Seaming of the panels occurred around the pipe boots and at the intersection of the two rolls. The seaming method was adhesive seaming. The adhesive, provided by EPI, is commonly called Bodied Adhesive or Bodied Solvent. One coat of the Bodied Adhesive was applied to each surface, and roller pressure was applied to bond the two surfaces together.

4.4 Pipe Boots

A geomembrane pipe boot was required to seal the geomembrane liner around all of the pipe penetrations. Each pipe boot consisted of a premanufactured geomembrane sleeve and apron, which was placed around the pipe, with a weld along the length of the pipe and an apron welded to the surrounding geomembrane panel (Photo No. 9, Appendix B). See Detail 2 on Plan Sheet 7 for the pipe boot detail. The geomembrane sleeve was adhesive-welded directly to the pipe for pipe penetrations using Bodied Adhesive.

Section 5
Surface Water Control Installation and Grading

5.1 Site Preparation - Access Road Removal

A bulldozer removed the crushed asphalt access road. The material from this access road was pushed to the east and provided a temporary surface water diversion berm to divert potential storm water from the gas header piping construction area.

5.2 Surface Water Drainage System

The surface water drainage system construction for the area of new gas header consisted of regrading the area to provide positive drainage away from the gas wells and gas header piping. A ditch was graded west of the header piping and was sloped 0.75 percent to 3 percent south (Photo No. 13, Appendix B). Along this ditch, a new 12-inch corrugated metal culvert (CMP) was installed beneath the access road approximately 20 feet from the end of Not [redacted] (Photo No. 15, Appendix B). A second shallow ditch was graded east of the access road, and the southern half was sloped 0.5 percent to 3 percent toward the south. At a point approximately east of gas Well GW-24, that ditch was graded to slope to the north.

5.3 Topsoil Placement

Topsoil placement began on November 2, 2001, and was completed on November 5, 2001. The disturbed area was topsoiled with a minimum of 0.5-foot–thick layer of topsoil obtained from Ed Gersek, Inc. (Photo No. 14, Appendix B).

5.4 Silt Fence and Surface Water Control

During construction, surface water runoff from the existing landfill was routed away from the exposed gas system through the temporary crushed asphalt diversion berm east of the piping (Photo No. 17, Appendix B). Following construction, silt fence was placed hydraulically downgradient of anticipated disturbed areas to control silt migration off-site and to control disturbance to the freshly placed seed and erosion matting.

5.5 Erosion Control

Erosion control matting was placed along the seeded slope, west of the gas extraction wells. The erosion matting was extended south from Well No. 23 to the area around the condensate

sump. This matting consisted of 10 rolls of SC-150 (provided by Willems Landscape Service, DePere, Wisconsin). Each roll contained 80 square yards of erosion matting and was installed by Tillman Landscaping (Green Bay, Wisconsin) on November 5, 2001.

5.6 Seed, Fertilizer, and Mulch

Seeding, fertilizing, and mulching was performed by Tillman Landscaping (Green Bay, Wisconsin) and was completed on November 5, 2001.

Upon completion of final grading of the topsoil, the topsoil was prepared for seeding. Fertilizer (16-6-24) was applied at a rate of approximately 7 pounds per 1,000 square feet, and mulch was applied at a rate of approximately 2 tons per acre above the seed. The grass seed mixture consisted of Seed Mix #20 from Section 630 of the Wisconsin Department of Transportation Standard Specifications. Photo No. 18 (Appendix B) shows the seeded, fertilized, and mulched final cover.

Section 6
Site Access

6.1 Entrance Gate Installation

The 6-foot–high chain-link entrance gate was installed by Terra. The existing chain-link gate was removed, and the new 16-foot–wide chain-link gate was installed in two sections and located east of the Not [redacted] cul-de-sac (Plan Sheet 4).

6.2 Access Road Construction

Following construction of the gas mitigation system, the access road was constructed. Stockpiled, on-site fine-grained soil was placed and compacted to bring the road up to subgrade elevations. Following final grading of the fine-grained soil, crushed asphalt from the previous access road was reinstalled. The crushed asphalt from the temporary berm was pushed back to the access road with a 650H bulldozer. In addition, crushed stone was used to provide access from Not [redacted] and was placed above the newly installed 12-inch CMP. The access road dimensions are 15 feet wide south of the entrance gate and 12 feet wide north of the entrance gate.

Section 7
Mitigation Control System Effectiveness

Upon completion of construction, an assessment of the effectiveness of the landfill gas migration control system was conducted. This assessment consisted of monitoring the modified portion of the migration control system and of the gas probes adjacent to those modifications. The system was monitored for a period of 60 days, beginning on November 5, 2001, and ending on January 4, 2002. The intent of this monitoring was to demonstrate effective control of off-site methane migration and compliance with 40 CFR § 258.23(a)(2) and in accordance with the approved October 10, 2001, Mitigation Plan. System monitoring criteria included the following:

GAS PROBE (GP-3)	GAS EXTRACTION WELLS (GW-23, GW-24, GW-25, GW-25R)
Physical inspection	Physical inspection
Ground conditions	Ground conditions
CH_4 % by volume	CH_4 % by volume
Ch_4 % LEL	CO_2 % by volume
CO_2 % by volume	O_2 % by volume
O_2 % by volume	Liquid levels

The initial monitoring occurred twice per week for 2 weeks following construction completion. Monitoring was conducted once per week for the remainder of the 60-day period. The monitoring results for each gas extraction well or gas probe for the monitoring period are included in Appendix D. The data show that methane has not been detected in either gas probe GP-1 or GP-3 located along the site perimeter. This demonstrates that the revised collection system is effective at controlling migration at those locations.

The locks at GP-1 and GP-3 were not operating properly, which prevented the sampling of GP-1 on November 13, 2001, and GP-3 on November 13 and 16, 2001. The locks at GP-1 and GP-3 were replaced, and normal monitoring continued at the gas probes for the remaining monitoring events. Before, during, and after the dates of the missed gas probe monitoring, the migration control system was operating effectively and no off-site migration of landfill gas was detected. Therefore, it is presumed that no off-site migration of landfill gas occurred during the entire monitoring period from November 5, 2001, through January 4, 2002.

Liquid levels in the gas wells have varied during the monitoring period, and likely have been influenced by the leachate pumping station located south of the mitigated landfill gas system. During the monitoring period, it was determined that the leachate pumping station was not operating because of a loss of electric power. Liquid level monitoring revealed that gas wells GW-23 and GW-24 have consistently remained below the "25 percent of well screen length" criterion as described in the Mitigation Plan. Liquid level monitoring data are included in Appendix D. Gas wells GW-25 and GW-25R have been impacted by elevated liquid levels. With the exception of one monitoring date, GW-25 has had some open screen available for gas extraction. The last two monitoring periods indicated that liquid levels in all extraction wells were below the "25 percent of well screen" levels. Once the leachate pump has been running consistently, the liquid levels in the wells are expected to meet the Mitigation Plan goal of covering less than 25 percent of the well screening.

Based on the gas monitoring data required by the Administrative Order, the H&R Mitigation Plan has demonstrated effectiveness at controlling off-site methane migration.

TABLES

Table 1
Header Piping Grades
H&R Landfill
Green Bay, Wisconsin
Gas Mitigation Plan Construction

POINT NO.	STATION	HEADER PIPE INVERTS DESIGN	ACTUAL	COMMENTS
1	0+14	770.00	770.00	Invert at GW-23 lateral
2	0+98	769.58	769.56	Invert at GW-24 lateral
3	2+18	768.98	768.98	Invert at GW-25 lateral
4	3+05	766.40	766.40	Invert at GW-25R lateral
5	3+34	N/A	765.54	Invert at condensate tank

Created by: BJP
Checked by: MJT
Project No.: 6104.09

Table 2
Summary of Field Moisture Densities as Determined by Push-Tube Sampling - Fine-Grained Fill
H&R Landfill, Green Bay, Wisconsin
Gas Mitigation Plan Construction

REFERENCE NO.	DRY DENSITY (PCF)	MOISTURE CONTENT (%)	PERCENT OF MAX DRY DENSITY (%)	TEST DATE/STANDARD PROCTOR VALUE: MAX DRY DENSITY, OPTIMUM MOISTURE
1	112.7	15.7	101.4	11/01/01 - 111.1 pcf @ 16.4%
2	115.6	16.2	104.1	11/01/01 - 111.1 pcf @ 16.4%
3	116.5	14.9	104.9	11/01/01 - 111.1 pcf @ 16.4%
4	112.3	15.1	101.1	11/01/01 - 111.1 pcf @ 16.4%

Note:
The Standard Proctor method was used to determine maximum dry density. The field compaction effort was greater than the Standard Proctor method; therefore, percent compaction is greater than 100 percent. The optimum moisture for the compactive effort will be less than that found using the Standard Proctor.

Created by: BJP
Checked by: MJT
Project No.: 6104.09

Appendix A
Approvals and Correspondence

Table of Contents

Administrative Order to H&R Landfill from the USEPA Dated September 27, 2001

Procter&Gamble

FAX TRANSMITTAL
from

DAVID E. ROSS
Phone 513·983·3995
FAX 513·983·7635
ross.de.1@pg.com

September 28, 2001

To: GEORGE BUTTKE
FAX 920·430·2199

STEVE WITTMANN
RMT
FAX 608-831-3334

MESSAGE

George & Steve –

Here is the Order which was signed yesterday. The 21-day clock has started.

Dave

Please Deliver Immediately! For transmittal problems, please call Becky at 513/983-2129.

UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY

OFFICE OF REGIONAL COUNSEL
REGION 5

FACSIMILE TRANSMITTAL FORM

Date: 9/27/01

Fax Recipient: Dave Ross

Dept./Agency: P+G

Fax Number: (513) 983-7635

Fax Sender: Brian Barwick

Dept./Agency: EPA, Region 5

Telephone: (312) 886-6620

Fax Number: (312) 886-0747

Subject: H+R

Number of Pages: 12 (W/O Cover)

Comments:

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5
77 WEST JACKSON BOULEVARD
CHICAGO, IL 60604-3590

REPLY TO THE ATTENTION OF
D-8J

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

C T Corporation System
44 East Mifflin Street
Madison, Wisconsin 53703

R7003-5-01-002

RE: H & R Landfill, Green Bay, Wisconsin

Dear Sir or Madame:

Enclosed please find a unilateral Administrative Order issued by the U.S. Environmental Protection Agency ("U.S. EPA") under Section 7003 Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act ("RCRA"), and further amended by the Hazardous and Solid Waste Amendments of 1984, 42 U.S.C. § 6973.

If you have any questions regarding the Order, feel free to contact Brian Barwick, Assistant Regional Counsel, at (312)886-6620 or Brad Benning, Project Coordinator, at (312) 353-7613.

Sincerely yours,

Joseph M. Boyle

Joseph M. Boyle, Chief
Enforcement and Compliance Assurance Branch

Enclosure

cc: David E. Ross, Esquire
Legal Division GO C2 #13
One Procter & Gamble Plaza
Cincinnati, Ohio 45202

Suzanne Bangert
Director
Bureau of Waste Management
Wisconsin Department of Natural Resources
101 South Webster St.

UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY
REGION 5
CHICAGO, ILLINOIS

IN THE MATTER OF	)	DOCKET NO. R7003-5-01-002
	)	
THE H & R PAPER AND REFUSE LANDFILL	)	PROCEEDING UNDER SECTION 7003 OF THE RESOURCE CONSERVATION AND RECOVERY ACT, as amended, 42 U.S.C. § 6973
	)	
THE PROCTER & GAMBLE PAPER PRODUCTS COMPANY	)	
	)	
RESPONDENT	)	

ADMINISTRATIVE ORDER

I. JURISDICTION

This Order concerning the H&R Paper and Refuse Landfill ("H&R Landfill") is issued to The Procter & Gamble Paper Products Company ("Respondent") pursuant to the authority vested in the Administrator of the United States Environmental Protection Agency by Section 7003(a) of the Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act ("RCRA"), and further amended by the Hazardous and Solid Waste Amendments of 1984, 42 U.S.C. § 6973. The authority to issue this Order pursuant to Section 7003 has been delegated to the Chief, Enforcement and Compliance Assurance Branch, Waste, Pesticides and Toxics Division, United States Environmental Protection Agency, Region 5.

II. FINDINGS OF FACT

The factual findings herein are based upon information known to U.S. EPA at the time of issuance of this Order.

1. The H & R Landfill, located on Finger Road in Brown County, Wisconsin in the Southwest 1/4 of the Southeast 1/4 of Section 2, Township 23 North, Range 21 East, City of Green Bay, Wisconsin (Brown County Assessor's Parcel Number 2144), was operated by H & R Paper and Refuse Service, Incorporated as a solid waste disposal facility from approximately 1971 through 1983.

2. Richard J. Johnson of N17940 Lily Lake Road, Dunbar, Wisconsin 54119 was

president and registered agent for H & R Paper and Refuse Service, Incorporated. Harold W. Johnson, deceased, was vice-president of H & R Paper and Refuse Service, Incorporated. Donald P. Leahy, deceased, was the secretary and treasurer of H & R Paper and Refuse Service, Incorporated.

3. In 1983, H & R Paper and Refuse Service, Incorporated filed articles for dissolution. Richard J. Johnson, Harold W. Johnson, and Donald P. Leahy became tenants in common with an ownership interest in the H & R Landfill property.

4. In 1984, Richard J. Johnson, Harold W. Johnson, and Donald P. Leahy deeded their interests in the H & R Landfill property to Finger Road Investments, Incorporated ("FRII").

5. FRII is an administratively dissolved Wisconsin Corporation which, pursuant to ch. 180.1405 of the Wisconsin Statutes, retains title to the H & R Landfill property.

6. Richard J. Johnson is the President of FRII.

7. Respondent is an Ohio corporation headquartered at One Procter & Gamble Plaza, Cincinnati, Ohio 45202 and operates a paper products manufacturing facility located at 501 Eastman Avenue, Green Bay, Wisconsin 54302 ("Fox River Plant").

8. Solid wastes generated at Respondent's Fox River Plant during the 1971 through 1983 active life of the H & R Landfill included such materials as cooked wood chips and knots, cellulose fines, tree bark, sawdust, water treatment sludge, and fly ash. During at least a portion of the period 1971 through 1983, Respondent disposed of such wastes, which are of the type that biodegrade and generate methane gas, in the H & R Landfill.

9. In the Fall of 1985, the Wisconsin Department of Natural Resources (WDNR) detected subsurface methane gas in concentrations of as much as 56 percent on and adjacent to the H & R Landfill. In response, the WDNR installed a gas extraction system at the H & R Landfill to prevent subsurface migration of methane gas.

10. Pursuant to a November 23, 1988, Consent Judgment with the State of Wisconsin, FRII constructed a leachate pumping and pretreatment system at the H & R Landfill and operated the system for at least two years, and Respondent contributed a total of $30,000 in two annual installments to help cover the operating costs of such system.

11. On May 12, 2000, WDNR notified the U.S. EPA that subsurface methane gas was again migrating from the H & R Landfill and had been detected at sampling point GP-3, located adjacent to the H & R Landfill and within approximately 30 feet of occupied residential properties at Not Responsive [redacted], Green Bay, Wisconsin.

12. On May 18, 2000, U.S. EPA conducted a site assessment of the H & R Landfill.

Sampling conducted by U.S. EPA's contractor detected methane gas concentrations of approximately 50 percent at sampling point GP-3.

13. Methane is explosive when present in the range of 5 to 15 percent by volume in air. Methane concentrations above 15 percent can cause asphyxiation and even a minor dilution of methane caused by increased ventilation can bring the mixture back into the explosive range.

14. Following the May 18, 2000, Site Assessment, U.S. EPA provided methane detectors to the occupied residential properties at [redacted]. As a result, methane gas in concentration of ten percent or greater of the lower explosive limit should trigger an alarm notifying the occupants.

15. Over the winter of 2000/2001, methane gas concentrations at sampling point GP-3 declined. However, in the Spring of 2001 methane gas concentrations at sampling point GP-3 began to rise despite continued operation of the leachate pumping and pretreatment system. On June 15, 2001, methane gas concentrations at sampling point GP-3 were 12 percent.

16. In July 2001, U.S. EPA provided Respondent a preliminary construction design for a trench methane gas intercept system for the H & R Landfill.

17. In an August 3, 2001, report, Respondent's contractor RMT, Incorporated identified an alternative to the trench methane gas intercept system, consisting of a combination of gas extraction well retrofits and site grading improvements designed to prevent the subsurface migration of methane gas from the H & R Landfill.

III. CONCLUSIONS OF LAW

18. Respondent is a "person," as defined in Section 1004(15) of RCRA, 42 U.S.C. § 6903(15).

19. Respondent is a past generator of solid waste, as that term is defined under Section 1004(27) of RCRA, 42 U.S.C. § 6903(27), disposed of in the H & R Landfill.

20. The Respondent's past handling and disposal of solid waste at the H&R Landfill may present an imminent and substantial endangerment and hazard to health or the environment .

IV. DETERMINATIONS

Based on the foregoing Findings of Fact and the administrative record incorporated herein by reference, U.S. EPA hereby determines that:

21. The source of the methane gas detected at sampling point GP-3 is decomposing solid waste disposed of in the H & R Landfill, including solid waste from Respondent's Fox River

Plant.

22. Respondent's past disposal of solid waste at the H & R Landfill may present an imminent and substantial endangerment to health or the environment within the meaning of Section 7003(a) of RCRA, 42 U.S.C. § 6973(a).

23. The actions required by this Order are necessary to protect public health and the environment.

V. PARTIES BOUND

24. This Order applies to and binds the Respondent, its officers, employees, agents, successors, sublessees, assigns, contractors and consultants acting under or on behalf of Respondent.

25. No change in ownership of any property covered by this Order shall in any way alter, diminish, or otherwise affect the Respondent's obligations and responsibilities under this Order. Respondent shall be responsible for and liable for any failure to comply with this Order, irrespective of its use of employees, agents, contractors or consultants to perform any such tasks.

VI. NOTICE TO THE STATE

26. Written notice of the issuance of this Order was given to the State of Wisconsin pursuant to Section 7003(a) of RCRA, 42 U.S.C. § 6973(a).

VII. WORK

27. Respondent shall undertake and do the following:

a) Prepare and submit to U.S. EPA for its approval prior to commencing field construction activities the following plans (collectively "Plans");

1. Health and Safety Plan

2. Gas System Retrofit Construction Plan

3. Surface Water Control Plan

4. Mitigation Demonstration Plan

b) In accordance with the provisions of the Plans, Respondent shall complete the following modifications to that part of the existing gas extraction system that includes wells GW-23, GW-24, GW-25, and GW 25R:

1. Excavate and remove the existing wellhead, including the lateral pipe and control valve between the gas header pipe and the gas wells;

2. Reconstruct the piping connection and control valves between the gas header pipe and the gas wells;

3. Excavate and replace the gas header pipe;

4. Repair and re-establish the well seals, and backfill the excavated area with compacted clay;

5. Install a locking vault over wells GW-23, GW-24, GW-25, and GW 25R;

6. Install a membrane seal over GW-23, GW-24, GW-25, and GW 25R to minimize surface water infiltration and maximize gas well zone of influence;

7. Establish surface grades that promote surface water drainage away from the gas extraction system and do not adversely impact neighboring properties (with final seeding and mulching to occur in Spring 2002 if the temperature and moisture conditions are not suitable for work of this nature when the grading has been completed); and

8. Install a force main and air line in the gas header pipe trench for collection and routing of collected liquid from extraction wells should liquids inhibit the performance of the system.

c) The work components set forth in this Order shall be undertaken in accordance with the following schedule:

Milestone	Start/Completion Date
• Submit Plans to U.S. EPA	Within 21 days of Effective Date
• Start on-site construction work	4 weeks after receipt of U.S. EPA approval of Plans
• Complete all system improvements described in Subparagraph 27(b)	7 weeks after receipt of U.S. EPA approval of Plans
• Submit report described in Paragraph 27(g)	Within sixty (60) days of completion of all system improvements described in Subparagraph 27(b)

d) Respondent shall provide U.S. EPA 48 hours notice prior to commencing field construction activities.

e) Respondent shall meet, and shall direct all contractors, subcontractors, laboratories, and consultants retained to conduct or monitor any portion of the work performed pursuant to this Order to meet, the requirements of this Order.

f) In accordance with the U.S. EPA-approved Mitigation Demonstration Plan, Respondent shall demonstrate whether the modified gas extraction system prevents the migration of methane gas from the I1 & R Landfill property as determined by compliance with the limits specified in 40 C.F.R. § 258.23(a)(2). If methane levels exceed the limits specified in 40 C.F.R. § 258.23(a)(2), Respondent shall within 14 days (or such longer period as U.S. EPA may allow) submit for U.S. EPA approval a methane gas remediation plan. Upon U.S. EPA approval, any such plan, including work schedules, is incorporated into and enforceable as a part of this Order.

g). Within sixty (60) calendar days after completion of all system improvements, Respondent shall submit for U.S. EPA review a final report summarizing the actions taken to comply with this Order. The final report shall include the following certification signed by a person who supervised or directed the preparation of that report:

> Under penalty of law, I certify that based on information and belief formed after reasonable inquiry, the information submitted is true, accurate, and complete.

VIII. PROJECT COORDINATORS

28. The U.S. EPA has designated Brad Benning as its Project Coordinator who shall be responsible for overseeing the implementation of this Order. Absence of U.S. EPA's Project Coordinator from the Site shall not be cause for stoppage of work unless specifically directed by the U.S. EPA Project Coordinator. Within 5 business days of the effective date of this Order, Respondent shall designate a Project Coordinator who shall be responsible for administration of all the Respondent's actions required by the Order and submit the designated coordinator's name, address, and telephone number to U.S. EPA. U.S. EPA and Respondent shall have the right to change their designated Project Coordinators. U.S. EPA shall notify Respondent, and Respondent shall notify U.S. EPA, as early as possible before such a change is made, but in no case less than 24 hours before such a change. Notification may initially be made orally, but shall be followed promptly by written notice.

IX. DATA, INFORMATION, AND RECORDS

29. All substantive data, information, and records created or maintained by Respondent, its employees, contractors and/or consultants in connection with the implementation of work under this Order shall be made available by Respondent to U.S. EPA upon request. Respondent

may assert a claim of confidentiality for information submitted if the information qualifies for exemption from the Freedom of Information Act, as provided by the exemption for trade secrets outlined in 5 U.S.C. § 552(b)(4). Confidentiality claims shall be submitted to U.S. EPA in accordance with the procedures outline in 40 C.F.R. Part 2, in particular, 40 C.F.R. 2.203(b), and must include a written statement explaining how the information claimed to be confidential meets the substantive criteria for use in confidentiality determinations found in 40 C.F.R. 2.208. If U.S. EPA approves the claim, U.S. EPA will afford the information confidential status as specified in 40 C.F.R. Part 2 Subpart B. Information determined not to be confidential may be made available to the public without further notice to Respondent. If no claim of confidentiality accompanies information when submitted to U.S. EPA, then it may be made available to the public by U.S. EPA without further notice to Respondent.

30. Respondent shall retain all such data, information or records gathered in the performance of this Order for two (2) years after the termination of this Order.

X. QUALITY ASSURANCE

31. In the event sample collection and analysis is necessary, Respondent shall use U.S. EPA-approved quality assurance, quality control, and chain-of-custody procedures, which shall be part of the proposed and approved Plans.

XI. ACCESS

32. U.S. EPA and its authorized representatives are authorized to enter the H & R Landfill property for purposes of determining compliance with this Order and/or Section 7003 of RCRA, 42 U.S.C. § 6973, or as otherwise provided by law. Respondent and its contractors are authorized to enter the H & R Landfill property and conduct the actions required by this Order pursuant to a Consent to Access signed by Richard J. Johnson on August 15, 2001 for FRII.

XII. SUBSEQUENT MODIFICATION

33. Modifications to any plan or schedule may be made by U.S. EPA's Project Coordinator. If U.S. EPA's Project Coordinator makes an oral modification, it will be memorialized in writing within 7 business days; however, the effective date of the modification shall be the date of the U.S. EPA's Project Coordinator's oral direction. The rest of the Order, or any other portion of the Order, may only be modified in writing by signature of the Chief, Enforcement and Compliance Assurance Branch, Waste, Pesticides and Toxics Division, Region 5.

If Respondent seeks permission to deviate from any approved plan or schedule, Respondent's Project Coordinator shall submit a written request to U.S. EPA's Project Coordinator for approval outlining the proposed modification and its basis.

34. Any reports, plans, specifications, and schedules required by this Order are, upon written approval by U.S. EPA, incorporated into this Order. Any noncompliance with such U.S. EPA-approved reports, plans, specifications, and schedules shall be considered a violation of this Order.

35. No informal advice, guidance, suggestions, or comments by U.S. EPA regarding reports, plans, specifications, schedules, and any other written documents submitted by Respondent will be construed as relieving Respondent of its obligation to obtain written approval, if and when required by this Order.

XIII. NO FINAL AGENCY ACTION

36. Notwithstanding any other provisions of this Order, no action or decision by U.S. EPA, including without limitation decisions of the Director, Waste, Pesticides and Toxics Division, the Regional Administrator pursuant to this Order, or the Chief of the Enforcement and Compliance Assurance Branch, shall constitute final agency action giving rise to any rights to judicial review prior to U.S. EPA's initiation of judicial action to compel Respondent's compliance with the mandate(s) of this Order.

XIV. RESERVATION OF RIGHTS

37. U.S. EPA expressly reserves all statutory and regulatory powers, authorities, rights, remedies, both legal and equitable, which may pertain to Respondent's failure to comply with any of the requirements of this Order, including without reservation the assessment of penalties under Section 7003(b) of RCRA, 42 U.S.C. § 6973(b). This Order shall not be construed as a waiver or limitation of any rights, remedies, powers and/or authorities which U.S. EPA has under statutory, regulatory or common law enforcement authority of the United States.

38. This Order shall not be construed to affect or limit the rights or responsibilities of any applicable Federal, State or local agency or authority pursuant to any statutory provision, nor shall the entry of this Order limit or otherwise preclude U.S. EPA from taking additional enforcement action, civil or criminal, at any time pursuant to RCRA, including Sections 3004, 3008, 3013 and/or 7003, 42 U.S.C. §§ 6924, 6928, 3013 and/or 6973; CERCLA, including Sections 104, 106 and/or 107, 42 U.S.C. §§ 9604, 9606 and/or 9607; or any other available legal authority including imposition of penalties, should U.S. EPA determine that such action is warranted.

XV. OTHER CLAIMS

39. Nothing in this Order shall constitute or be construed as a release from any claim, cause of action or demand in law or equity against any person, firm, partnership, or corporation for any liability arising out of or relating in any way to the H & R Landfill and/or to the treatment, storage, or disposal of any solid wastes and/or hazardous constituents, hazardous

substances, pollutants or contaminants found at, taken to, or taken from the H & R Landfill.

40. By issuance of this Order, the United States and U.S. EPA assume no liability for injuries or damages to persons or property resulting from any acts or omissions of Respondent. The United States or U.S. EPA shall not be a party or be held out as a party to any contract entered into by the Respondent or its directors, officers, employees, agents, successors, representatives, assigns, contractors, or consultants in carrying out activities pursuant to this Order.

XVI. OTHER APPLICABLE LAWS

41. All actions required to be taken pursuant to this Order shall be undertaken in accordance with the requirements of all applicable local, State, and Federal laws and regulations. This Order is neither intended to be nor shall it be construed as a permit, modification to an existing permit, or replacement of an existing permit. Respondent shall obtain or cause its contractor to obtain all permits and approvals necessary under such laws and regulations. This Order does not relieve Respondent of any duty to obtain any applicable Federal, State or local permits needed to carry out its terms.

XVII. PENALTY PROVISIONS

42. Failure or refusal to comply with any requirement of this Order may subject Respondent to a civil penalty of not more than Five Thousand Five Hundred Dollars ($5,500) for each day in which such failure or refusal to comply continues, in accordance with Section 7003(b) of RCRA, 42 U.S.C. § 6973(b) and the Civil Monetary Penalty Inflation Adjustment Rule, published at 40 C.F.R. Part 19.

XVIII. SEVERABILITY

43. If any provision or authority of this Order, or the application of this Order to any party or circumstances, is held by any judicial or administrative authority to be invalid, the application of such provisions to other parties or circumstances and the remainder of the Order shall remain in full force and not be affected thereby.

XIX. NOTICES

44. Any notice required or permitted to be given hereunder shall be in writing and shall be effective upon delivery by hand, by Federal Express or similar overnight courier service, by facsimile transmission, or upon three (3) calendar days after deposit in the United States Mail,

registered or certified mail, postage prepaid, return receipt requested, and addressed as follows:

TO P&G:
The Procter & Gamble Paper Products Company
501 Eastman Avenue
Green Bay, WI 54302
Attn: George Buttke, Site Environmental Manager
Ph: (920) 430-3898
Fax: (920) 430-2199

With copy to:
Legal Division GO C2 #13
One Procter & Gamble Plaza
Cincinnati, OH 45202
Attn: David E. Ross
Ph: 513-983-3995
Fax 513-983-7635

TO U.S. EPA:
Brad Benning
U.S. EPA Region V (SF-5J)
77 W. Jackson Blvd
Chicago, IL 60604-3590
Ph: (312) 353-7613
Fax (312) 353-9176

With copy to:
Brian Barwick
U.S. EPA Region V (C-14J)
77 W. Jackson Blvd
Chicago, IL 60604-3590
Ph: (312) 886-6620
Fax (312) 886-0747

The foregoing addresses and numbers may be changed by written notice.

XX. EFFECTIVE DATE AND TERMINATION

45. This Order shall become effective immediately upon Respondent's receipt of the original executed Order via certified mail or immediately upon Respondent's receipt of a copy of the executed order via facsimile, whichever comes first.

46. The provisions of this Order shall be deemed satisfied upon Respondent's receipt of written notice from U.S. EPA that Respondent has demonstrated, to the satisfaction of U.S. EPA, that the terms of this Order but not including the record preservation provision of Section IX, or

other such continuing obligations, have been satisfactorily completed.

IT IS SO ORDERED:

Joseph M. Boyle

Joseph M. Boyle, Chief
Enforcement and Compliance Assurance Branch
Waste, Pesticides and Toxics Division
United States Environmental Protection Agency
Region 5

Date: September 27, 2001

R7003-5-01-002

E-mail Correspondence from George Buttke (Procter and Gamble) to Steve Wittmann (RMT), Dated October 16, 2001

Steve Wittmann - EPA Review of Mitigation Plans

From: <buttke.gt@pg.com>
To: <steve.wittmann@rmtinc.com>, <ross.de.1@pg.com>
Date: 10/16/2001 12:26 PM
Subject: EPA Review of Mitigation Plans
CC: <dawson.pj@pg.com>

All,

FYI....Good news,

Just received a call from Brad Benning at EPA and he provided his verbal approval of the plans and concurrence to proceed with the work. He advised that it may be some time before he can provide us with written approval as he has been spending quite a bit of time in the field handling calls related to the anthrax scare. Amazing just how far reaching this all is.

George

Letter from Mark Torresani (RMT) to Bruce Urben (WDNR) Dated October 31, 2001

RMT®
Integrated Environmental Solutions

744 Heartland Trail 53717-1934
P.O. Box 8923 53708-8923
Madison, WI
Telephone 608-831-4444
Fax: 608-831-3334

October 31, 2001

Mr. Bruce G. Urban
Wisconsin Department of Natural Resources
1125 West Military Avenue
P.O. Box 10448
Green Bay, WI 54307-0448

Subject: H&R Landfill Gas System Retrofit Construction

Dear Mr. Urban:

As a follow up to our October 30, 2001, conference call, I am forwarding you this letter to document our understanding as to how waste materials encountered during trenching activities on site should be handled. Based on our conversation, waste materials that are encountered during trenching activities for header pipe placement will be placed back in the trench where they originated. An additional 1.5 to 2.0 feet of low-permeability soil and a geomembrane layer will be placed over the trench as part of the surface water control plan. This soil and geomembrane will also serve as a cover for the waste that is returned to the header trench.

RMT is continuing with the header pipe construction and replacing any waste material back into the trench. Currently, there has been approximately 15-cubic yards of papermill sludge excavated and replaced. The location of this material and any future waste materials encountered will be documented and reported in the Construction Documentation Report.

If the above-described approach is as we discussed in our conference call, please sign below and return a copy of this letter for the documentation report. If you have questions regarding this information, please give me a call, at (608) 662-5377.

Sincerely,

RMT, Inc.

Mark Torresani SOW

Mark J. Torresani, P.E.
Senior Project Engineer

10/31/01

Bruce G. Urban — Date
WDNR-Hydrogeologist Supervisor

cc: George Buttke - P&G
Steve Wittmann - RMT
Brad Benning - USEPA
Kristin DuFresne - WDNR

Signed & FAXED 10/31/01

I:\WP\MSN\PJT\00-06104\05\L0006104B3-001.DOC

Appendix B
Construction Documentation Photographs

RMT

PHOTOGRAPHIC LOG

Client Name:	Site Location:	Project No.
Procter & Gamble	H&R Landfill	6104.09

Photo No.	Date:
1	10/29/01

Description:

Excavation to existing lateral connection.

Photo No.	Date:
2	10/30/01

Description:

Removed lateral connection from the gas header pipe.

RMT

PHOTOGRAPHIC LOG

Client Name:	Site Location:	Project No.
Procter & Gamble	H&R Landfill	6104.09

Photo No.	Date:
3	10/30/01

Description:

8-inch–diameter SDR 17 HDPE pipe glued onto existing PVC gas extraction well.

RMT

PHOTOGRAPHIC LOG

Client Name:	Site Location:	Project No.
Procter & Gamble	H&R Landfill	6104.09

Photo No.	Date:
4	10/30/01

Description:

New bentonite seal at gas extraction wells.

RMT

PHOTOGRAPHIC LOG

Client Name:	Site Location:	Project No.
Procter & Gamble	H&R Landfill	6104.09

Photo No.	Date:
5	10/31/01

Description:

Welding a gas header riser onto the gas header pipe.

RMT

PHOTOGRAPHIC LOG

Client Name:	Site Location:	Project No.
Procter & Gamble	H&R Landfill	6104.09

Photo No.	Date:
6	10/30/01

Description:

6-inch–diameter HDPE header pipe and 1-inch–diameter HDPE liquid forcemain and air supply pipes.

Photo No.	Date:
7	10/30/01

Description:

Pipe bedding backfill and warning ribbon.

RMT

PHOTOGRAPHIC LOG

Client Name:	Site Location:	Project No.
Procter & Gamble	H&R Landfill	6104.09

Photo No.	Date:
8	11/1/01

Description:
Installing and backfilling 30-mil PVC geomembrane and pipe boots.

Photo No.	Date:
9	11/1/01

Description:
30-mil PVC pipe boots.

RMT

PHOTOGRAPHIC LOG

Client Name:	Site Location:	Project No.
Procter & Gamble	H&R Landfill	6104.09

Photo No.	Date:
10	10/31/01

Description:

Compacting fine-grained soil with a sheeps-foot compactor.

RMT

PHOTOGRAPHIC LOG

Client Name:	Site Location:	Project No.
Procter & Gamble	H&R Landfill	6104.09

Photo No.	Date:
11	10/30/01

Description:

Installing the 3-foot–diameter condensate tank.

RMT

PHOTOGRAPHIC LOG

Client Name:	Site Location:	Project No.
Procter & Gamble	H&R Landfill	6104.09

Photo No.	Date:
12	10/31/01

Description:

Temporary gas collection system hook-up.

Photo No.	Date:
13	10/31/01

Description:

Ditch west of gas header pipe.

RMT

PHOTOGRAPHIC LOG

Client Name:	Site Location:	Project No.
Procter & Gamble	H&R Landfill	6104.09

Photo No.	Date:
14	11/2/01

Description:
Final grading.

Photo No.	Date:
15	11/1/01

Description:
Installing new 12-inch CMP at the site entrance at the end of [redacted].

RMT

PHOTOGRAPHIC LOG

Client Name:	Site Location:	Project No.
Procter & Gamble	H&R Landfill	6104.09

Photo No.	Date:
16	11/1/01

Description:
Fine-grained soil grading.

Photo No.	Date:
17	10/29/01

Description:
Temporary diversion berm.

RMT

PHOTOGRAPHIC LOG

Client Name:	Site Location:	Project No.
Procter & Gamble	H&R Landfill	6104.09

Photo No.	Date:
18	11/5/01

Description:

Seeded, fertilized, and mulched final cover.

Photo No.	Date:
19	10/31/01

Description:

Waste encountered during pipe excavation.

Appendix C
Fine-Grained Soil Laboratory Test Results

RMT, Inc.

Moisture Content / Dry Density Determination (ASTM D2216 or D4643)

QC: H/W

QA: JDL

Project Name: H&R LANDFILL

Project #: 6104.02

	Sample Location	Moisture Tare Wt. (g)	Moisture Wet Wt. + Tare (g)	Moisture Dry Wt. +Tare (g)	Moisture (%)	Sample Diameter (in)	Sample Height (in)	Density Tare Wt. (g)	Density Wet Wt. + Tare (g)	Wet Density (pcf)	Dry Density (pcf)
1	Clay Fill, Sample #1	260.33	766.10	697.50	15.7	2.86	2.30	260.33	766.10	130.4	112.7
2	Clay Fill, Sample #2	265.30	788.50	715.60	16.2	2.86	2.31	265.30	788.50	134.3	115.6
3	Clay Fill, Sample #3	259.47	778.80	711.50	14.9	2.86	2.30	259.47	778.80	133.9	116.5
4	Clay Fill, Sample #4	272.00	775.50	709.50	15.1	2.86	2.31	272.00	775.50	129.3	112.3
5											
6											
7											
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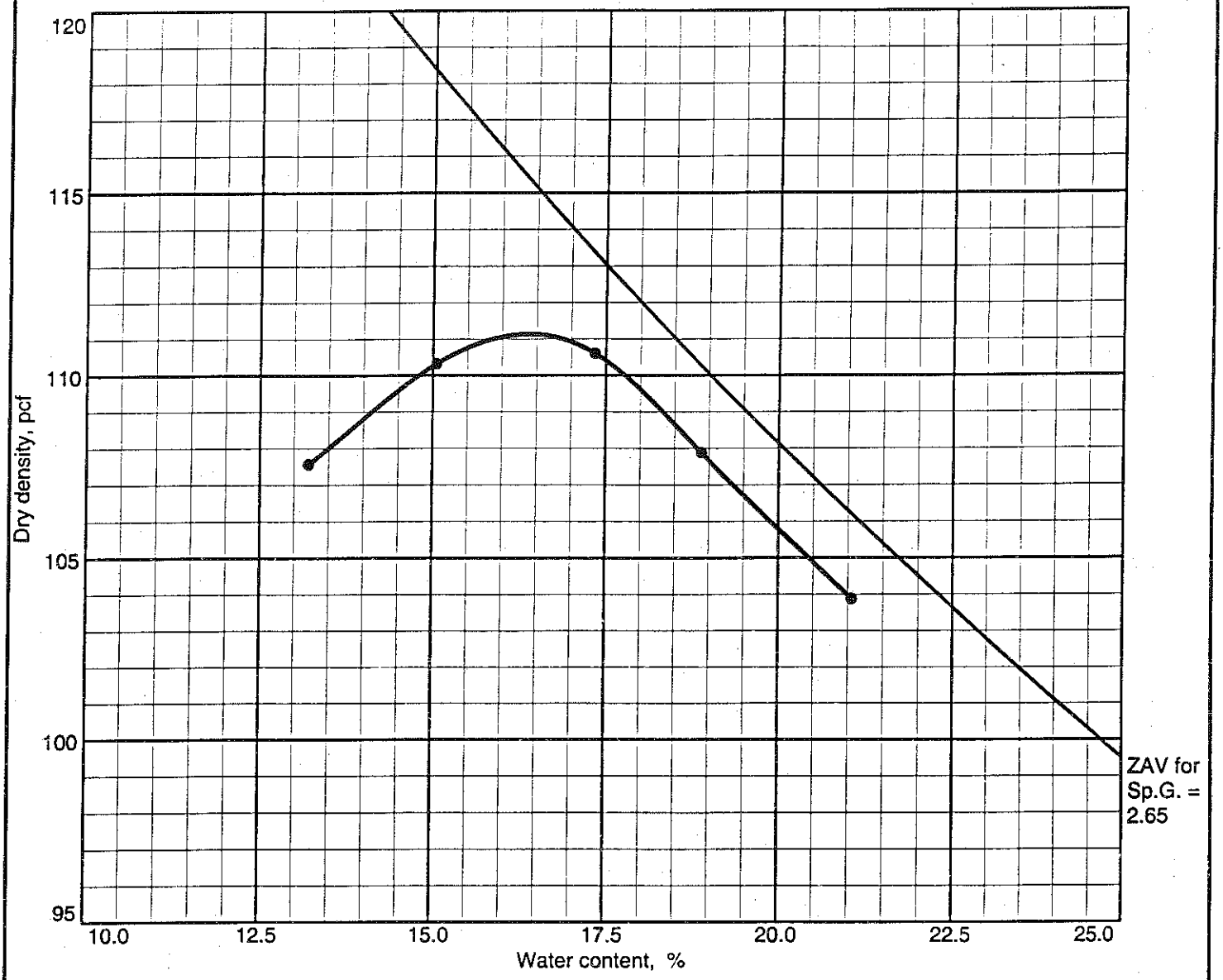
COMPACTION TEST REPORT



Test specification: ASTM D 698-91 Procedure A Standard

Elev/ Depth	Classification		Nat. Moist.	Sp.G.	LL	PI	% > No.4	% < No.200
	USCS	AASHTO						
			19.0					

TEST RESULTS	MATERIAL DESCRIPTION
Maximum dry density = 111.1 pcf Optimum moisture = 16.4 %	(Lean clay with sand)

Project No. 6104.02 **Client:**

Project: H&R LANDFILL

Remarks:

● **Source:** General Fill **Sample No.:** Sample #1

COMPACTION TEST REPORT

RMT, Inc.

Figure:

Appendix D
Gas Monitoring Results

Summary of Gas Monitoring Results
GP-1
H&R Landfill, Green Bay, Wisconsin
Gas Mitigation Plan Construction

DATE	METHANE (% volume)	METHANE (% LEL)	OXYGEN (% volume)	CARBON DIOXIDE (% volume)
11/5/2001	0.0	0.0	12.2	6.6
11/8/2001	0.0	0.0	20.5	0.3
11/13/2001	ND	ND	ND	ND
11/16/2001	0.0	0.0	20.8	0.2
11/21/2001	0.0	0.0	20.3	0.0
11/29/2001	0.0	0.0	11.0	7.4
12/5/2001	0.0	0.0	19.9	0.5
12/14/2001	0.0	0.0	20.4	0.1
12/20/2001	0.0	0.0	9.1	5.6
1/4/2002	0.0	0.0	11.6	7.2

Note:
ND = no data. Wellhead was locked and could not be opened. The lock was repaired prior to the November 16, 2001, monitoring event.
Ground conditions for sampling events included frozen damp soil.
Physical inspection of probes and wellheads indicated conditions had not changed since construction.

Created by: BJP
Checked by: MJT
Project No.: 6104.09

Summary of Gas Monitoring Results
GP-3
H&R Landfill, Green Bay, Wisconsin
Gas Mitigation Plan Construction

DATE	METHANE (% volume)	METHANE (% LEL)	OXYGEN (% volume)	CARBON DIOXIDE (% volume)
11/5/2001	0.0	0.0	21.6	0.0
11/8/2001	0.0	0.0	20.6	0.1
11/13/2001	ND	ND	ND	ND
11/16/2001	ND	ND	ND	ND
11/21/2001	0.0	0.0	20.5	0.0
11/29/2001	0.0	0.0	2.4	0.2
12/5/2001	0.0	0.0	21.1	0.0
12/14/2001	0.0	0.0	20.2	0.1
12/20/2001	0.0	0.0	19.5	0.1
1/4/2002	0.0	0.0	20.3	0.0

Note:
ND = no data. Wellhead was locked and could not be opened. The lock was replaced prior to the November 21, 2001, monitoring event.
Ground conditions for sampling events included frozen damp soil.
Physical inspection of probes and wellheads indicated conditions had not changed since construction.

Created by: BJP
Checked by: MJT
Project No.: 6104.09

Summary of Gas Monitoring Results
GW-23
H&R Landfill, Green Bay, Wisconsin
Gas Mitigation Plan Construction

DATE	METHANE (% volume)	METHANE (% LEL)	OXYGEN (% volume)	CARBON DIOXIDE (% volume)	LIQUID LEVEL (feet)	25% OF WELL SCREEN (feet)
11/5/2001	0.0	0.0	20.9	0.4	0.4	1.25
11/8/2001	0.0	0.0	20.5	0.5	0.0	1.25
11/13/2001	0.0	0.0	20.8	0.5	0.4	1.25
11/16/2001	0.0	0.0	20.7	0.4	0.6	1.25
11/21/2001	0.0	0.0	20.2	0.2	0.5	1.25
11/29/2001	0.0	0.0	20.3	0.5	0.5	1.25
12/5/2001	0.5	10.0	20.2	0.6	0.5	1.25
12/14/2001	0.0	0.0	20.3	0.5	0.5	1.25
12/20/2001*	0.6	12.0	18.2	1.9	0.5	1.25
1/4/2002	0.1	2.0	19.9	0.8	0.5	1.25

Note:
* After pumping out liquid in well.
Ground conditions for sampling events included frozen damp soil.
Physical inspection of probes and wellheads indicated conditions had not changed since construction.

Created by: BJP
Checked by: MJT
Project No.: 6104.09

Summary of Gas Monitoring Results
GW-24
H&R Landfill, Green Bay, Wisconsin
Gas Mitigation Plan Construction

DATE	METHANE		OXYGEN (% volume)	CARBON DIOXIDE (% volume)	LIQUID LEVEL (feet)	25% OF WELL SCREEN (feet)
	(% volume)	(% LEL)				
11/5/2001	0.6	12.0	18.3	3.0	0.1	1.25
11/8/2001	0.0	0.0	19.2	2.0	0.9	1.25
11/13/2001	0.5	10.0	17.1	4.3	0.0	1.25
11/16/2001	0.0	0.0	20.9	0.2	0.9	1.25
11/21/2001	0.0	0.0	20.1	0.1	0.5	1.25
11/29/2001	1.1	22.0	13.6	8.6	0.8	1.25
12/5/2001	0.0	0.0	20.4	0.6	0.3	1.25
12/14/2001	0.3	6.0	19.2	1.8	0.4	1.25
12/20/2001*	2.0	40.0	13.5	7.4	0.4	1.25
1/4/2002	0.0	0.0	20.4	0.1	0.9	1.25

Note:
* After pumping out liquid in well.
Ground conditions for sampling events included frozen damp soil.
Physical inspection of probes and wellheads indicated conditions had not changed since construction.

Created by: BJP
Checked by: MJT
Project No.: 6104.09

Summary of Gas Monitoring Results
GW-25
H&R Landfill, Green Bay, Wisconsin
Gas Mitigation Plan Construction

DATE	METHANE (% volume)	METHANE (% LEL)	OXYGEN (% volume)	CARBON DIOXIDE (% volume)	LIQUID LEVEL (feet)	25% OF WELL SCREEN (feet)
11/5/2001	2.1	42.0	18.9	3.5	1.1	1.25
11/8/2001	1.3	26.0	18.6	3.0	1.1	1.25
11/13/2001	1.7	28.0	18.9	3.1	0.8	1.25
11/16/2001	1.3	26.0	19.0	2.7	0.8	1.25
11/21/2001	1.5	30.0	18.2	3.2	0.5	1.25
11/29/2001	2.1	42.0	18.4	3.4	0.2	1.25
12/5/2001	1.6	32.0	18.0	3.7	2.2	1.25
12/14/2001	0.7	14.0	18.5	2.6	7.3	1.25
12/20/2001	1.7	34.0	16.9	3.8	0.3	1.25
1/4/2002	1.9	38.0	17.4	3.8	0.6	1.25

Notes:
Ground conditions for sampling events included frozen damp soil.
Physical inspection of probes and wellheads indicated conditions had not changed since construction.

Created by: BJP
Checked by: MJT
Project No.: 6104.09

Summary of Gas Monitoring Results
GW-25R
H&R Landfill, Green Bay, Wisconsin
Gas Mitigation Plan Construction

DATE	METHANE (% volume)	(% LEL)	OXYGEN (% volume)	CARBON DIOXIDE (% volume)	LIQUID LEVEL (feet)	25% OF WELL SCREEN (feet)
11/5/2001	0.4	8.0	18.8	3.2	1.6	1.25
11/8/2001	0.0	0.0	20.2	0.7	2.1	1.25
11/13/2001	ND	ND	ND	ND	3.2	1.25
11/16/2001	0.0	0.0	20.6	0.4	1.8	1.25
11/21/2001	0.0	0.0	20.1	0.1	2.0	1.25
11/29/2001	0.7	14.0	13.6	7.2	ND	1.25
12/5/2001	0.0	0.0	14.7	5.8	2.3	1.25
12/14/2001	0.1	2.0	19.7	0.4	4.6	1.25
12/20/2001*	0.0	0.0	18.6	0.5	0.3	1.25
1/4/2002	0.0	0.0	19.8	0.2	0.7	1.25

Notes:
* = After pumping out liquid in wells.
ND = no data. There was no landfill gas flow in the well.
Ground conditions for sampling events included frozen damp soil.
Physical inspection of probes and wellheads indicated conditions had not changed since construction.

Created by: BJP
Checked by: MJT
Project No.: 6104.09

I
11/14/00

LETTER REPORT
FOR
H&R LANDFILL
GREEN BAY, BROWN COUNTY, WISCONSIN
TDD: S05-0005-009
PAN: 0Y0901SIXX

November 14, 2000

Prepared for:

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
Emergency Response Branch
77 West Jackson Boulevard
Chicago, Illinois 60604

Prepared by: Todd Murphy Date: 11/14/00
Todd Murphy, START Project Manager

Reviewed by: Patrick Zwilling Date: 11/14/00
Patrick Zwilling, START Assistant Program Manager

Approved by: Dan Sewall Date: 11/14/00
Dan Sewall, START Program Manager

ecology and environment, inc.
International Specialists in the Environment

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Chicago, Illinois 60602
Tel. 312/578-9243, Fax: 312/578-9345

November 14, 2000

Ms. Gail Nabasny, Project Officer
United States Environmental Protection Agency
77 West Jackson Boulevard
Chicago, Illinois 60604

Re: H&R Landfill
Green Bay, Brown County, Wisconsin
TDD: S05-0005-009
PAN: 0Y0901SIXX

Dear Ms. Nabasny:

On May 15, 2000, the Ecology and Environment, Inc. (E & E), Superfund Technical Assessment and Response Team (START) was tasked by the United States Environmental Protection Agency (U.S. EPA) to assist U.S. EPA On-Scene Coordinators (OSCs) Brad Benning and Steve Faryan in conducting site assessment activities at the H&R Paper Refuse Landfill in Green Bay, Brown County, Wisconsin. The site is located on the north side of Finger Road, on the east side of Green Bay (Attachment A, Figure 1). The coordinates for the site are latitude 44°29.339' N and longitude 87°54.705' W. Photodocumentation of the site is presented in Attachment B.

The H&R Paper Refuse Landfill is a private landfill which operated from 1971 to 1984. The president and vice president of the landfill are Harold and Richard Johnson. The site was originally a clay borrow pit which was excavated until a sand layer and/or water table was reached. The landfill received paper mill wastes from Proctor & Gamble, including water treatment sludge; fly ash; shredder fluff from automobiles; and demolition debris from the City of Green Bay. Three separate filled areas were proposed in the original design plan but only two of these were filled. The filled area is approximately 15 acres (Attachment A, Figure 2). In 1984, the landfill was capped with two feet of clay and six inches of topsoil. The cap has degraded over time due to freeze/thaw and the percolation of rainwater. At present, the landfill has gas extraction wells on the perimeter along the north, south, east, and part of the west sides. Passive gas vents are located on the landfill. A leachate collection system was installed at the landfill in the late 1980s but the leachate is not being pumped. The City of Green Bay approved construction of homes within 100 feet of the landfill, against the recommendation of the Wisconsin Department of Natural Resources (WDNR).

On May 12, 2000, in a letter to Bill Bolen of U.S. EPA, WDNR requested assistance from the U.S. EPA Emergency Response Branch to help reduce the threat posed by the migration of soil gas at the site. Sampling of new gas probe No. 3 (GP-3), located between the landfill and the duplex residences at Not Responsive (Attachment A, Figure 2), indicated that 30 percent methane was present. The gas probe is located approximately 50 feet from the residences. Due to high water levels in gas extraction wells No. 23 (GW-23), No. 24 (GW-24), No. 25 (GW-25), and No. 25R (GW-25R), located on the perimeter of the landfill near the residences, the gas is prevented from being extracted through the wells, and appears to be migrating toward the residences.

On the night of May 17, 2000, OSCs Benning and Faryan, and START member Todd Murphy, mobilized to the site. On May 18, 2000, at 0905 hours, the group met with Jim Reyburn of WDNR at WDNR's Northeast Region Remediation and Redevelopment Office in Green Bay to discuss the site. At 1010 hours, OSCs Benning and Faryan, Jim Reyburn, and START Murphy arrived at the site. Foth and Van Dyke (F&VD) Consultants had just completed gas monitoring at the closer of the two duplex residences to the landfill (Not). No methane was detected at the various monitoring locations in the basement of the residence, or along the outside of the residence. At 1025 hours, START Murphy began to conduct gas monitoring at Not with the assistance of the OSCs. Gas monitoring results are presented in Table 1 of Attachment C. U.S. EPA and START monitored at the same locations as F&VD. Monitoring by START was conducted with a Gascope Model 62S methane meter for percent lower explosive limit (%LEL) and percent methane ($\%CH_4$), a Mine Safety Applications 261 combustible gas indicator (CGI) for %LEL and percent oxygen ($\%O_2$), and a Photovac micro flame ionization detector (microFID) for volatile organic compounds. All readings were %LEL = 0, $\%CH_4 = 0$, $\%O_2 = 20.8$, and microFID = 0 parts per million (ppm).

At 1035 hours, F&VD finished purging GP-3 of one casing volume of gas, and collected readings of approximately $\%CH_4 = 52$ and $\%O_2 = 0$ at the probe. The readings were collected with a Landtec landfill gas meter. At 1040 hours, U.S. EPA and START collected readings of %LEL greater than (>) 100, $\%CH_4 = 54$, $\%O_2 = 0$, and microFID > 50,000 ppm at the probe. The microFID detector flame was blown out when the detector reading was approximately 50,000 ppm. The detector readings were increasing at that time.

At 1125 hours, U.S. EPA and START began to conduct barhole gas monitoring between the landfill and the residence located across the street from Not Responsive (Attachment A, Figure 2). No gas monitoring had been conducted in the residence. Barhole monitoring was conducted by manually driving a hollow stainless steel metal rod into the ground. The bottom of the rod was slotted to allow soil gases to enter. The CGI and microFID intake lines were connected to the top of the rod. Soil gas readings were collected at a barhole 16 feet south of the residence, and a barhole 50 feet southeast of the residence. Both barholes were approximately three feet deep. The soil was very resistant to probing and probably consisted of clay at the bottom of the barholes. At the first location, readings of %LEL = 0, $\%O_2 = 20.9$, and microFID = 0 ppm were collected. At the second location, readings of %LEL = 0, $\%O_2 = 21.0$, and microFID = 0 ppm were collected.

At 1300 hours, OSCs Benning and Faryan, Jim Reyburn, and START Murphy arrived at the east side of the site. Homes are located within approximately 200 feet of the east side of the landfill and no gas probe monitoring had been conducted there recently. U.S. EPA and START conducted gas probe monitoring with the CGI at old gas probes No. 7 (G-7) and No. 8 (G-8), located between the east side of the landfill and the homes (Attachment A, Figure 2). Readings of %LEL = 0 and $\%O_2 = 21.0$ were collected at both probes. At 1345 hours, the group left the site and returned to WDNR's Northeast Region Remediation and Redevelopment Office to discuss possible corrective actions to reduce the threat posed by the migration of soil gas at the site. At 1505 hours, OSCs Benning and Faryan, and START Murphy demobilized.

On May 23, 2000, START Murphy had two Safe-T-Alert 40-411 Dual Liquid Propane and Natural Gas (Methane) Alarms shipped to Jim Reyburn. The detectors were delivered on May 24, 2000. The alarms were purchased under the direction of U.S. EPA to be permanently installed in the residences at Not Responsive

A cost estimate for a proposed corrective action to reduce the threat posed by the migration of soil gas at the site, the construction of a landfill gas intercept trench, is presented in Attachment D. The proposed location of the trench is shown in Attachment A, Figure 2. A cross section of the trench is shown in Attachment A, Figure 3. The trench would be approximately 300 feet long - long enough to serve the area with the flooded gas wells (GW-23 through 25R). The trench would require an estimated 10 field days to construct and would cost an estimated $119,628.52. The trench configuration is designed to allow for both passive and active gas extraction. Active gas extraction would be completed by the connection of an aboveground pipe to a header of the existing gas extraction system. The trench would require little maintenance.

This Letter Report completes START's assistance to the OSCs under TDD S05-0005-009. Please contact us should you have any questions or require additional information.

Sincerely,

Todd Murphy
START Project Manager

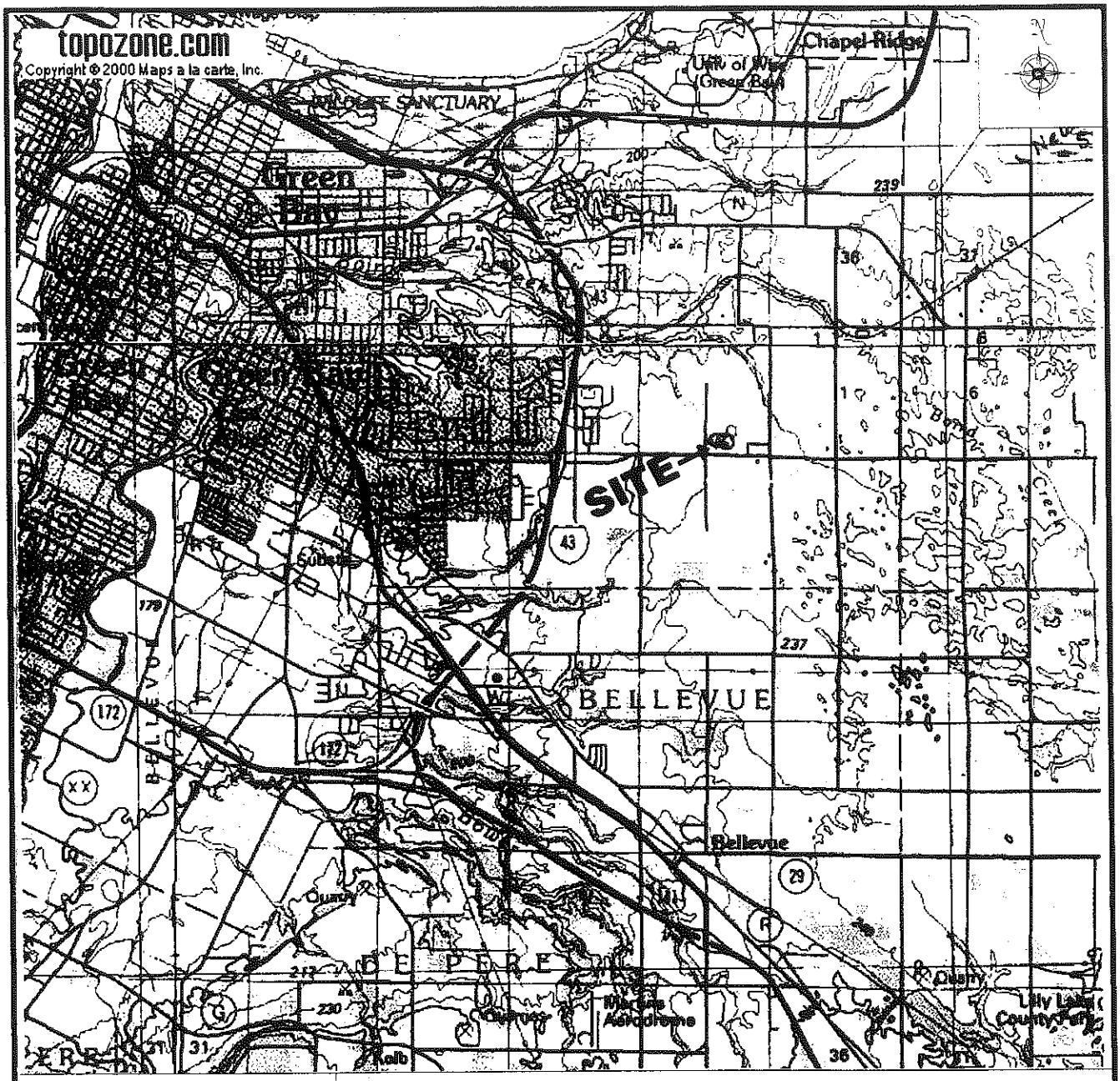
Dan Sewall
START Program Manager

Attachments: A - Figures
B - Photodocumentation
C - Table
D - Cost Estimate - Landfill Gas Intercept Trench

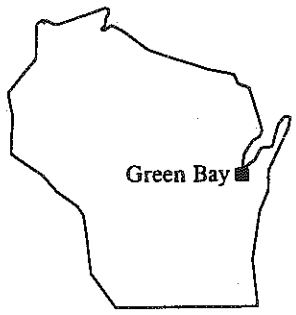
cc: Brad Benning, U.S. EPA OSC
TDD File

Attachment A

Figures



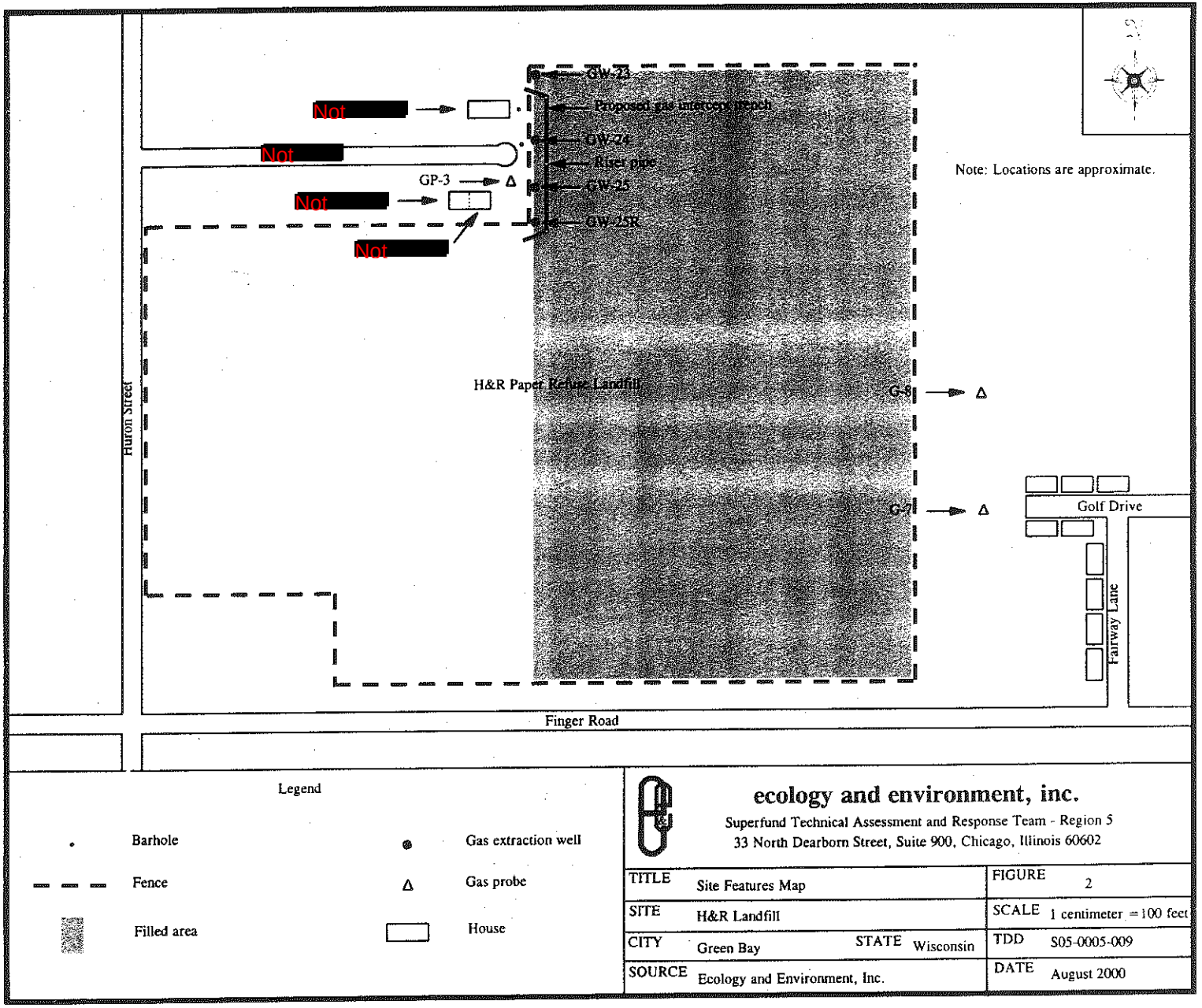
Quadrangle Location

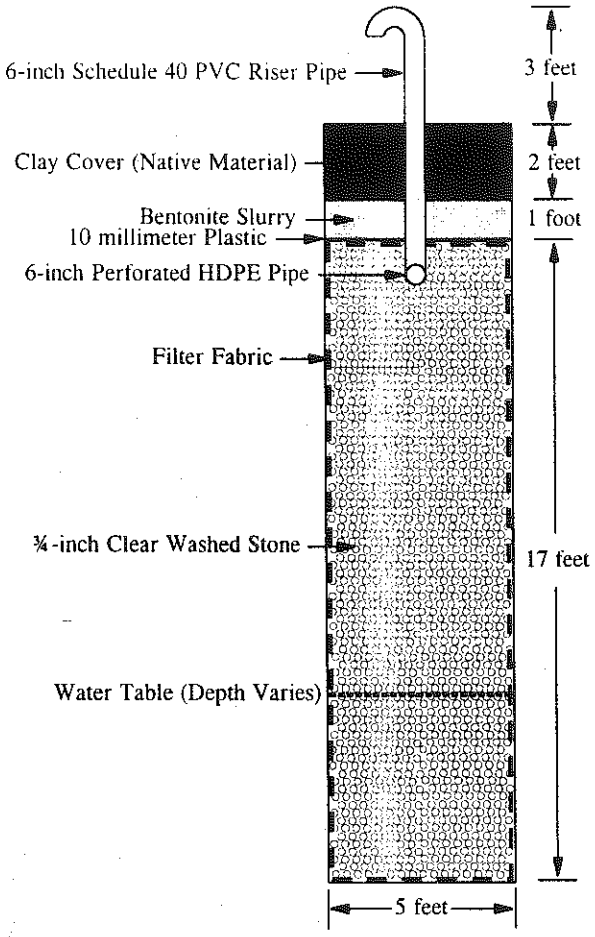


ecology and environment, inc.

Superfund Technical Assessment and Response Team - Region 5
33 North Dearborn Street, Suite 900, Chicago, Illinois 60602

TITLE	Site Location Map	FIGURE	1
SITE	H&R Landfill	SITE COORDINATES	Latitude: 44° 29.339' N Longitude: 87° 54.705' W
CITY	Green Bay STATE Wisconsin	SCALE	1 : 100,000
SOURCE	TopoZone.com - USGS Source Quadrangles Green Bay West, New Franken, DePere, and Poland	TDD	S05-0005-009
		DATE	June 2000


GW-23
Proposed gas intercept trench
GW-24
Riser pipe
GW-25
GW-25R
GP-3
Not
Not
Not
Not
Note: Locations are approximate.
H&R Paper Refine Landfill
G-8
G-7
Huron Street
Golf Drive
Fairway Lane
Finger Road
Legend
Barhole
Fence
Filled area
Gas extraction well
Gas probe
House
ecology and environment, inc.
Superfund Technical Assessment and Response Team - Region 5
33 North Dearborn Street, Suite 900, Chicago, Illinois 60602
TITLE Site Features Map
FIGURE 2
SITE H&R Landfill
SCALE 1 centimeter = 100 feet
CITY Green Bay STATE Wisconsin
TDD S05-0005-009
SOURCE Ecology and Environment, Inc.
DATE August 2000



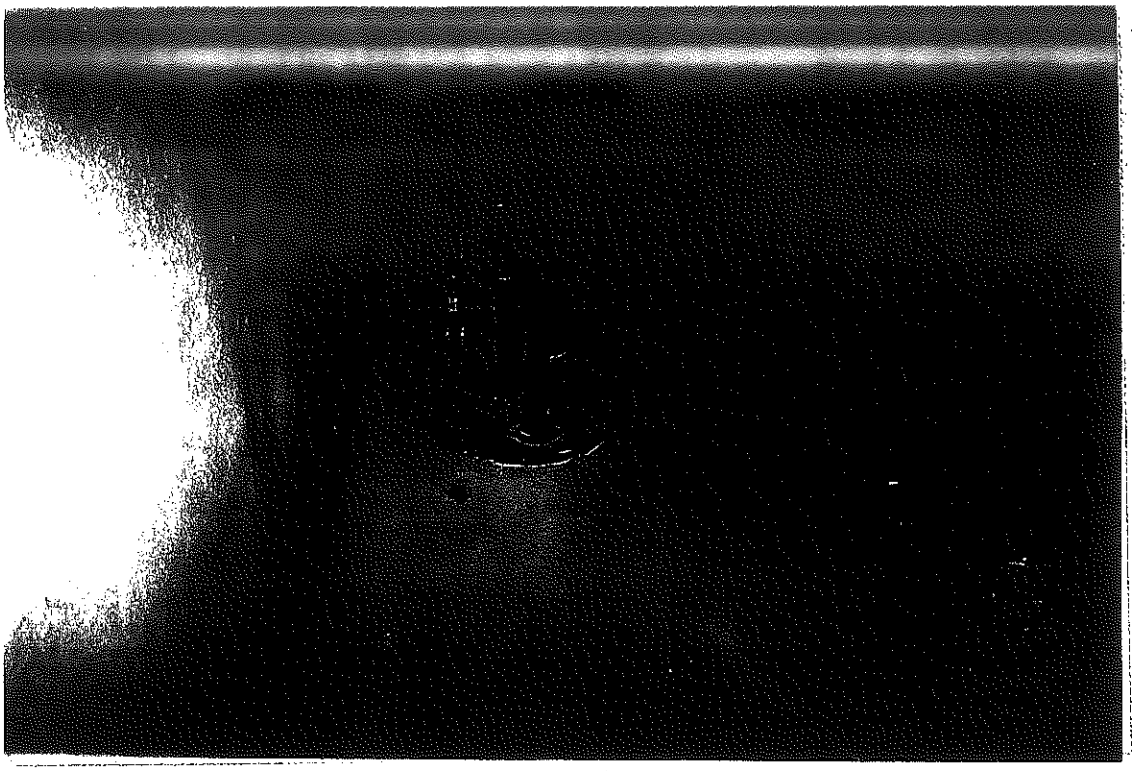
ecology and environment, inc.

Superfund Technical Assessment and Response Team - Region 5
33 North Dearborn Street, Suite 900, Chicago, Illinois 60602

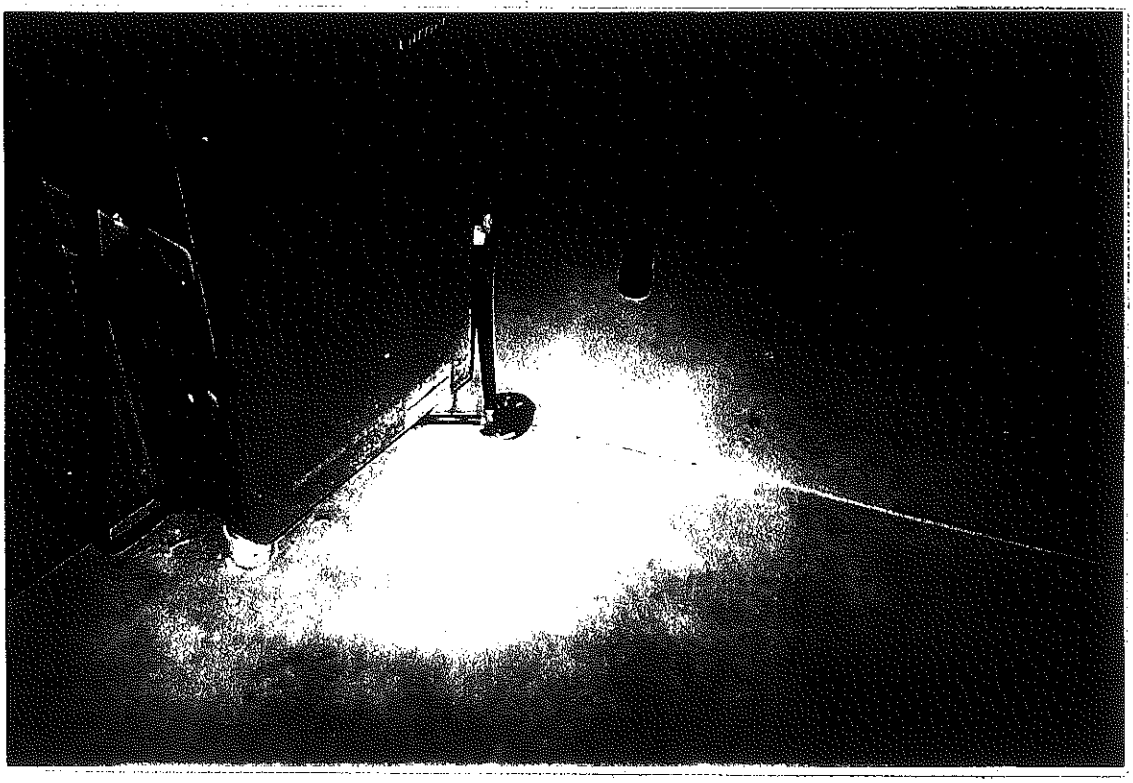
TITLE	Gas Intercept Trench Cross Section	FIGURE	3
SITE	H&R Landfill	SCALE	1 centimeter = 2 feet
CITY	Green Bay	STATE Wisconsin	TDD S05-0005-009
SOURCE	Ecology and Environment, Inc.	DATE	August 2000

Attachment B

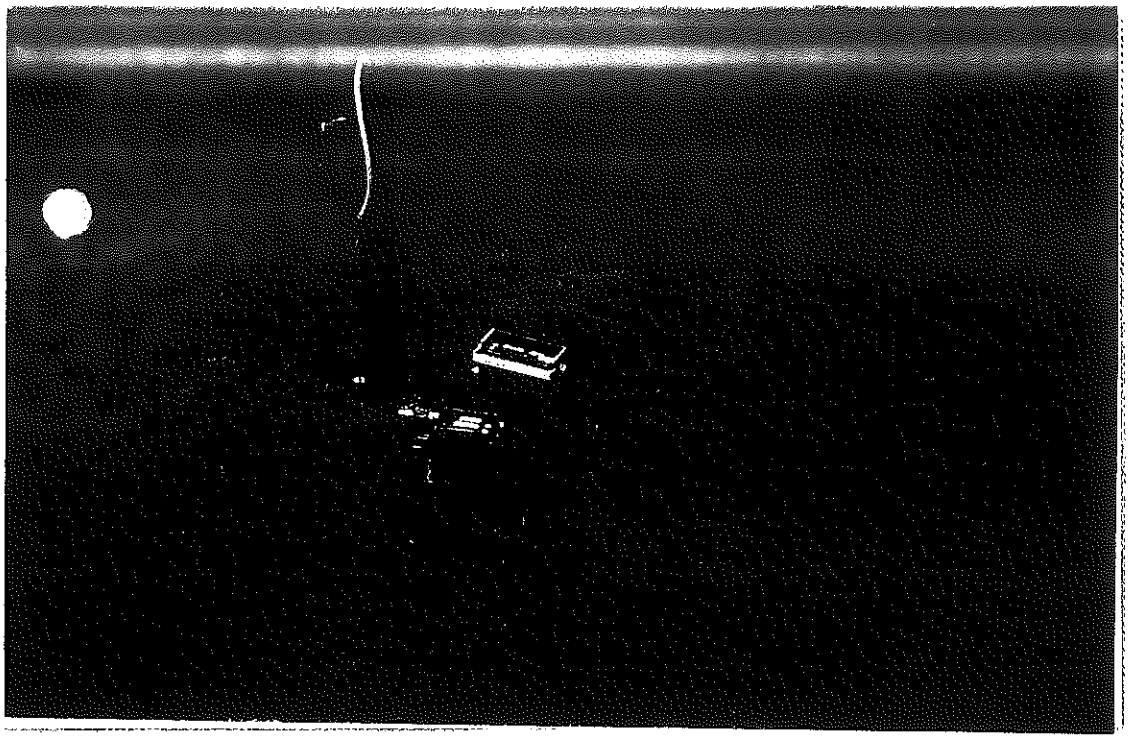
Photodocumentation



Site: H&R Landfill **TDD:** S05-0005-009 **Date:** May 18, 2000 **Time:** 1030
Location: Green Bay, WI **Direction:** Down/North **Photographer:** T. Murphy
Subject: Sump pump monitoring location in the basement of the residence at Not .

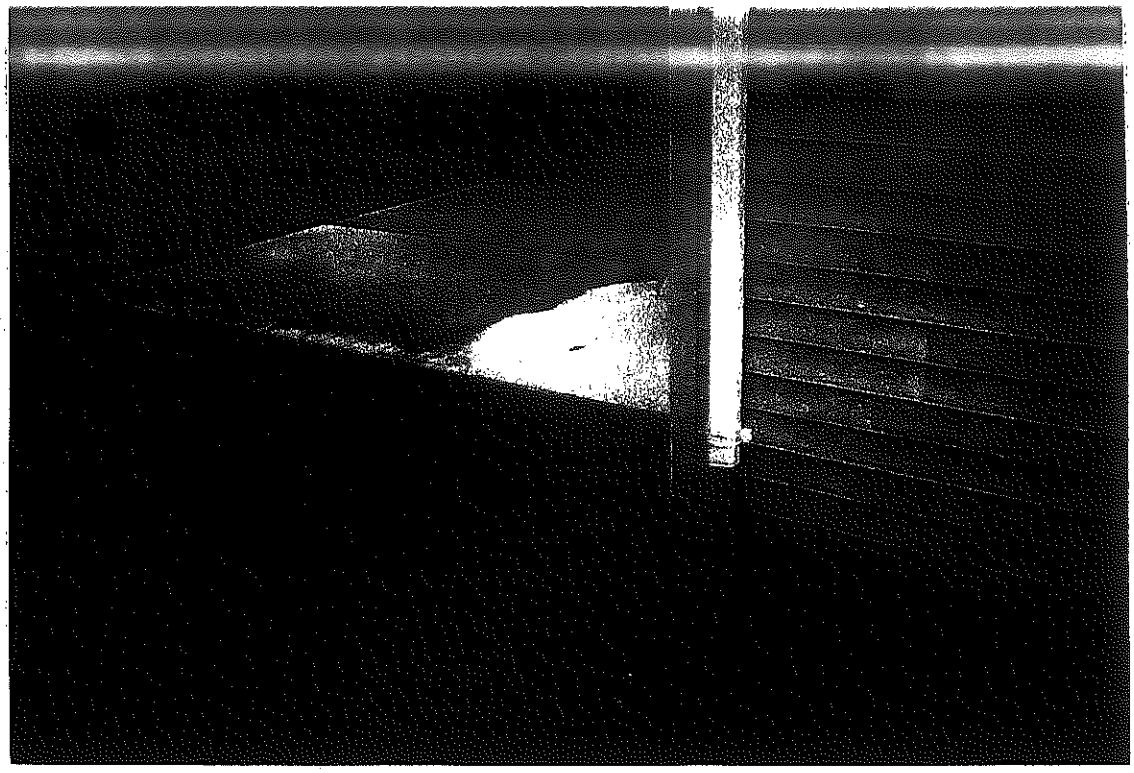


Site: H&R Landfill **TDD:** S05-0005-009 **Date:** May 18, 2000 **Time:** 1030
Location: Green Bay, WI **Direction:** Down **Photographer:** T. Murphy
Subject: Floor drain monitoring location in the basement of the residence at Not .

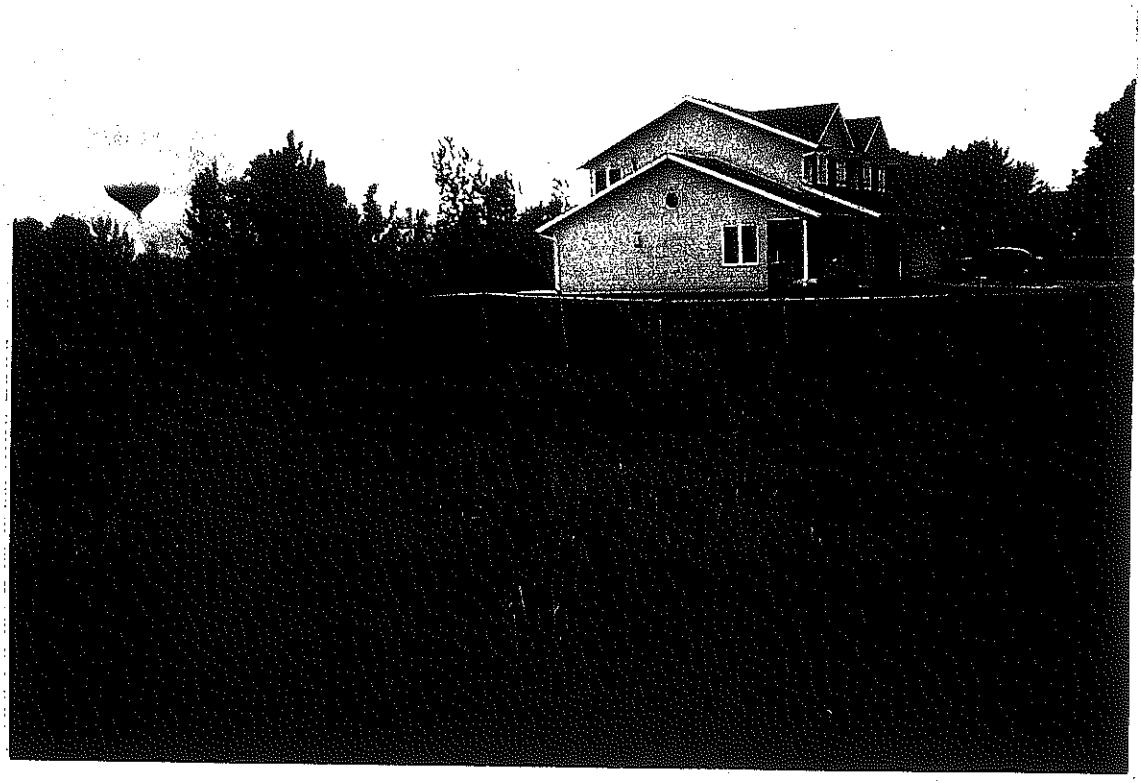


Site: H&R Landfill **TDD:** S05-0005-009 **Date:** May 18, 2000 **Time:** 1040
Location: Green Bay, WI **Direction:** Down/West **Photographer:** T. Murphy
Subject: Monitoring at gas probe GP-3 with the Gascope Model 62S combustible gas indicator (CGI).

Site: H&R Landfill **TDD:** S05-0005-009 **Date:** May 18, 2000 **Time:** 1055
Location: Green Bay, WI **Direction:** Down/South **Photographer:** T. Murphy
Subject: Downspout drain monitoring location at the front of the residence at Not [redacted].

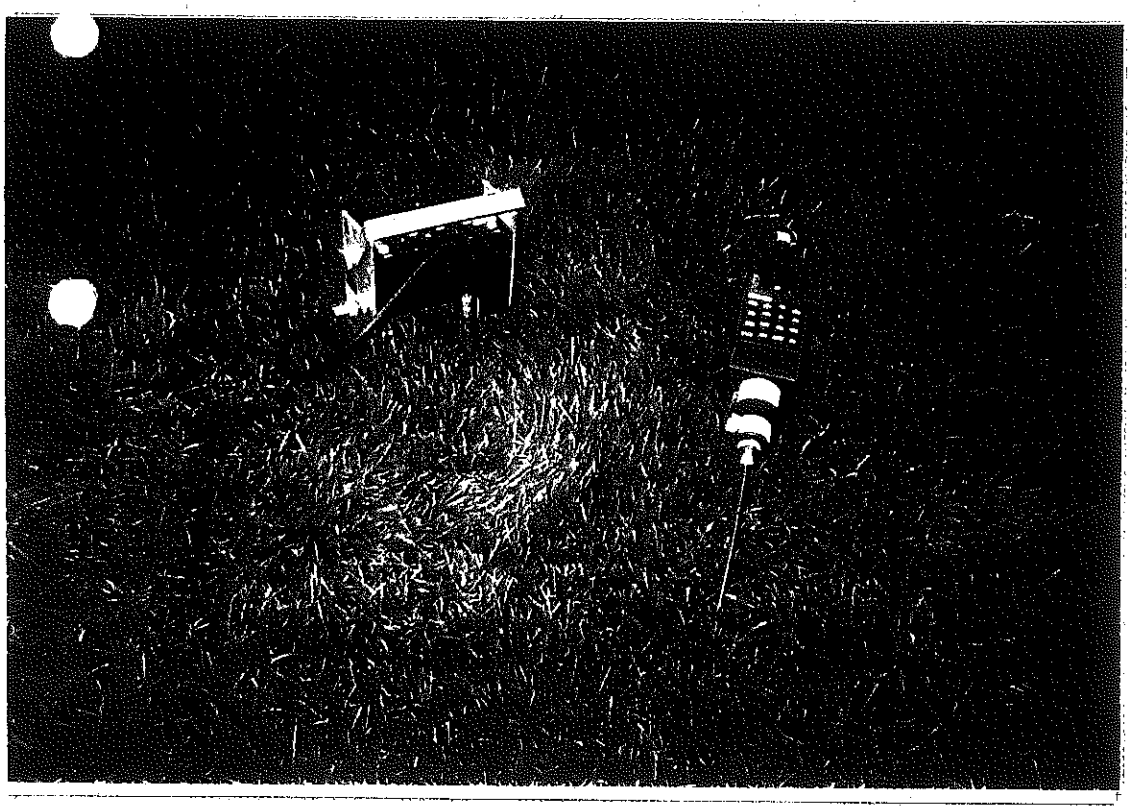


Site: H&R Landfill **TDD:** S05-0005-009 **Date:** May 18, 2000 **Time:** 1055
Location: Green Bay, WI **Direction:** Southwest/Down **Photographer:** T. Murphy
Subject: Downspout drain monitoring location at the southeast corner of the residence at Not

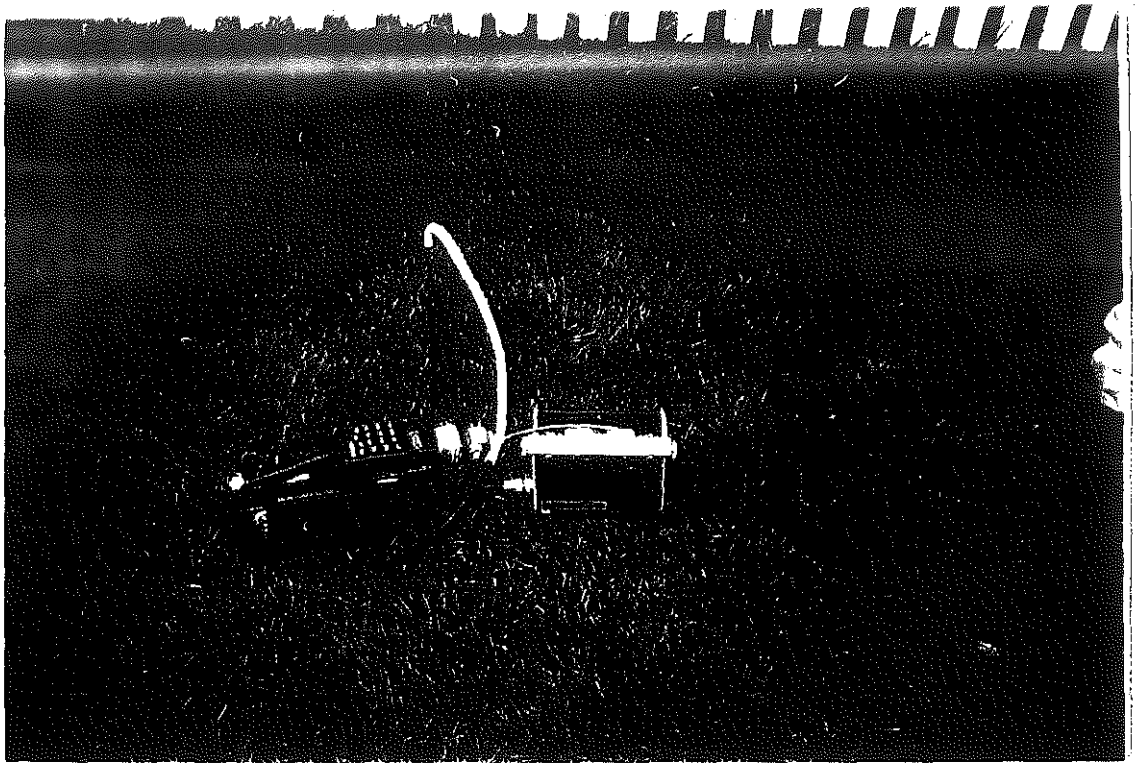


Site: H&R Landfill **TDD:** S05-0005-009 **Date:** May 18, 2000 **Time:** 1100
Location: Green Bay, WI **Direction:** Southwest **Photographer:** T. Murphy
Subject: View of the duplex residences at Not Responsive from H&R Landfill.

Site: H&R Landfill **TDD:** S05-0005-009 **Date:** May 18, 2000 **Time:** 1100
Location: Green Bay, WI **Direction:** Northwest **Photographer:** T. Murphy
Subject: View of the house at Not [redacted] from H&R Landfill.

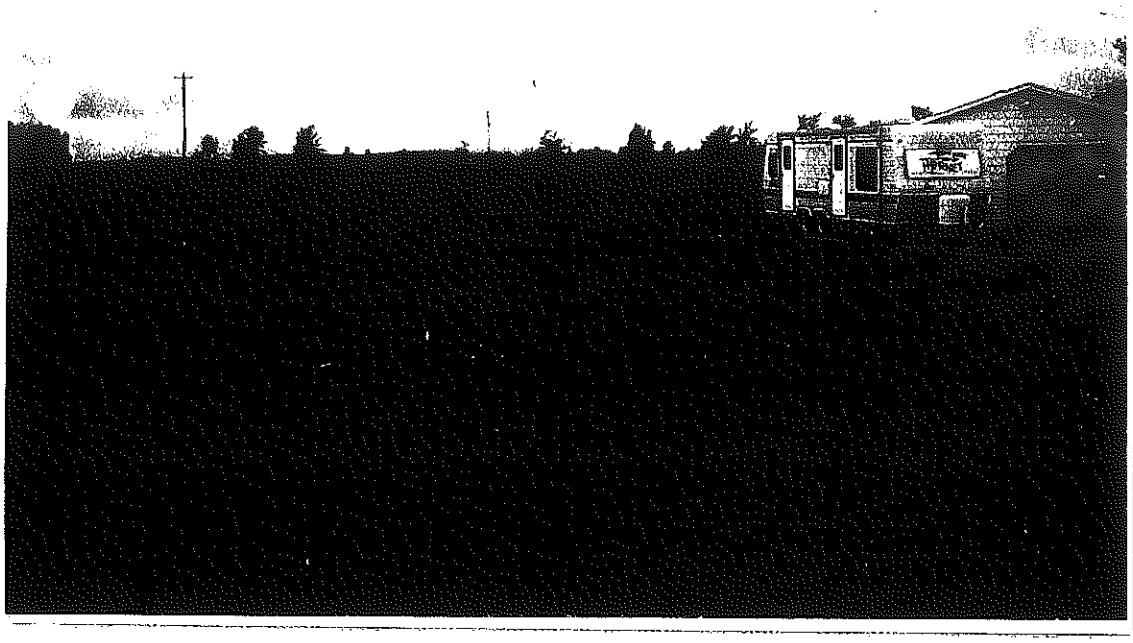


Site: H&R Landfill **TDD:** S05-0005-009 **Date:** May 18, 2000 **Time:** 1125
Location: Green Bay, WI **Direction:** Down **Photographer:** T. Murphy
Subject: Monitoring at a barhole 16 feet east of the house at Not [redacted] with a MSA 261 CGI.



Site: H&R Landfill **TDD:** S05-0005-009 **Date:** May 18, 2000 **Time:** 1140
Location: Green Bay, WI **Direction:** Down **Photographer:** T. Murphy
Subject: Monitoring at a barhole 50 feet southeast of the house at [redacted] with a MSA 261 CGI.

Site: H&R Landfill **TDD:** S05-0005-009 **Date:** May 18, 2000 **Time:** 1325
Location: Green Bay, WI **Direction:** East **Photographer:** T. Murphy
Subject: Gas probe G-7.



Site: H&R Landfill **TDD:** S05-0005-009 **Date:** May 18, 2000 **Time:** 1335
Location: Green Bay, WI **Direction:** Northwest **Photographer:** T. Murphy
Subject: Gas probe G-8.

Attachment C

Table

Table 1

START GAS MONITORING RESULTS
H&R LANDFILL
GREEN BAY, BROWN COUNTY, WISCONSIN
MAY 18, 2000

Location	Time	Gascope Model 62S		MSA 261 CGI		Photovac microFID (ppm)
		%LEL	$\%CH_4$	%LEL	$\%O_2$	
Not						
Basement, floor drain	1028	0	0	0	20.8	0
Basement, sump pump	1030	0	0	0	20.8	0
Outside, downspout drain at front (north) side of residence	1055	NR	NR	NR	NR	0
Outside, downspout drain at southeast corner of residence	1057	NR	NR	NR	NR	0
Outside, driveway breathing zone (background)	1025	0	0	0	20.8	0
Barholes						
16 feet south of residence at Not, 3 feet deep[a]	1125	NR	NR	0	20.9	0
50 feet southeast of residence at Not, 3 feet deep[a]	1140	NR	NR	0	21.0	0
Gas Probes						
GP-3[b]	1040	>100	54	>100	0	>50,000[c]
G-7[d]	1325	NR	NR	0	21.0	NR
G-8[e]	1335	NR	NR	0	21.0	NR

Key:

CGI = Combustible gas indicator.
FID = Flame ionization detector.
> = Greater than.
MSA = Mine Safety Applications.
NR = No reading taken.
ppm = Parts per million.
%LEL = Percent lower explosive limit.
$\%CH_4$ = Percent methane.
$\%O_2$ = Percent oxygen.

a = Probably in clay based on the resistance of the soil to probing. The sand layer below the clay was probably not reached.
b = Foth and Van Dyke Consultants purged the gas probe of one casing volume of gas and collected readings of approximately 52 percent methane and 0 percent oxygen a few minutes before these readings were collected.
c = The detector flame was blown out when the detector reading was approximately 50,000 parts per million. The detector readings were increasing at that time.
d = The top of the gas probe consisted of an uncapped two inch diameter pipe. The gas probe was not purged before these readings were collected.
e = Approximately 25 liters of gas was purged from the gas probe with an SKC high-volume personal air sample pump before these readings were collected.

Attachment D

Cost Estimate - Landfill Gas Intercept Trench

To: Brad Benning, On-Scene Coordinator, U.S. EPA

From: Todd Murphy, START Project Manager, Ecology and Environment, Inc.

Date: August, 2000

Re: H&R Landfill
Cost Estimate - Landfill Gas Intercept Trench

TDD: S05-0005-009
PAN: 0Y0901SIXX

I have calculated a **cost estimate** ([redacted]) for a U.S. EPA Emergency and [redacted] contractor to construct a landfill gas intercept trench at the H&R Landfill site in Green Bay, Brown County, Wisconsin. The estimated field time required to complete the work is [redacted]. The cost estimate includes [redacted] (e.g., dust control, fencing, revegetation, surveying/utility locate).

The proposed location of the gas intercept trench is shown in Attachment A, Figure 2. A cross section of the trench is shown in Attachment A, Figure 3. The gas intercept trench would be 300 feet long - long enough to serve the area served by the flooded gas wells (GW-23 through 25R). The trench would be excavated to a depth of 20 feet below grade - the approximate depth of buried waste at the landfill and the average depth of the flooded gas wells. The sides of the trench would be lined with filter fabric and backfilled with ¾-inch clear washed stone to 3 feet below grade. A 6-inch perforated high-density polyethylene (HDPE) pipe would be installed on top of the stone. Three 6-inch PVC riser pipes would be installed to vent methane intercepted by the trench. The horizontal pipe would be covered with additional stone and a 10-millimeter plastic sheet placed over the stone. The plastic would be covered with 1 foot of a soil-bentonite slurry. The remaining 2 feet of trench would be backfilled/compacted with debris-free soil from the initial excavation work. Landfill wastes excavated during the construction of the trench would be relocated on the landfill under the existing landfill cap.

The system configuration is designed to allow active gas extraction. Gas extraction would be completed by the connection of an above ground pipe to a header of the existing gas extraction system.

Below are assumptions used in the cost calculations, the cost calculations, and a cost summary table.

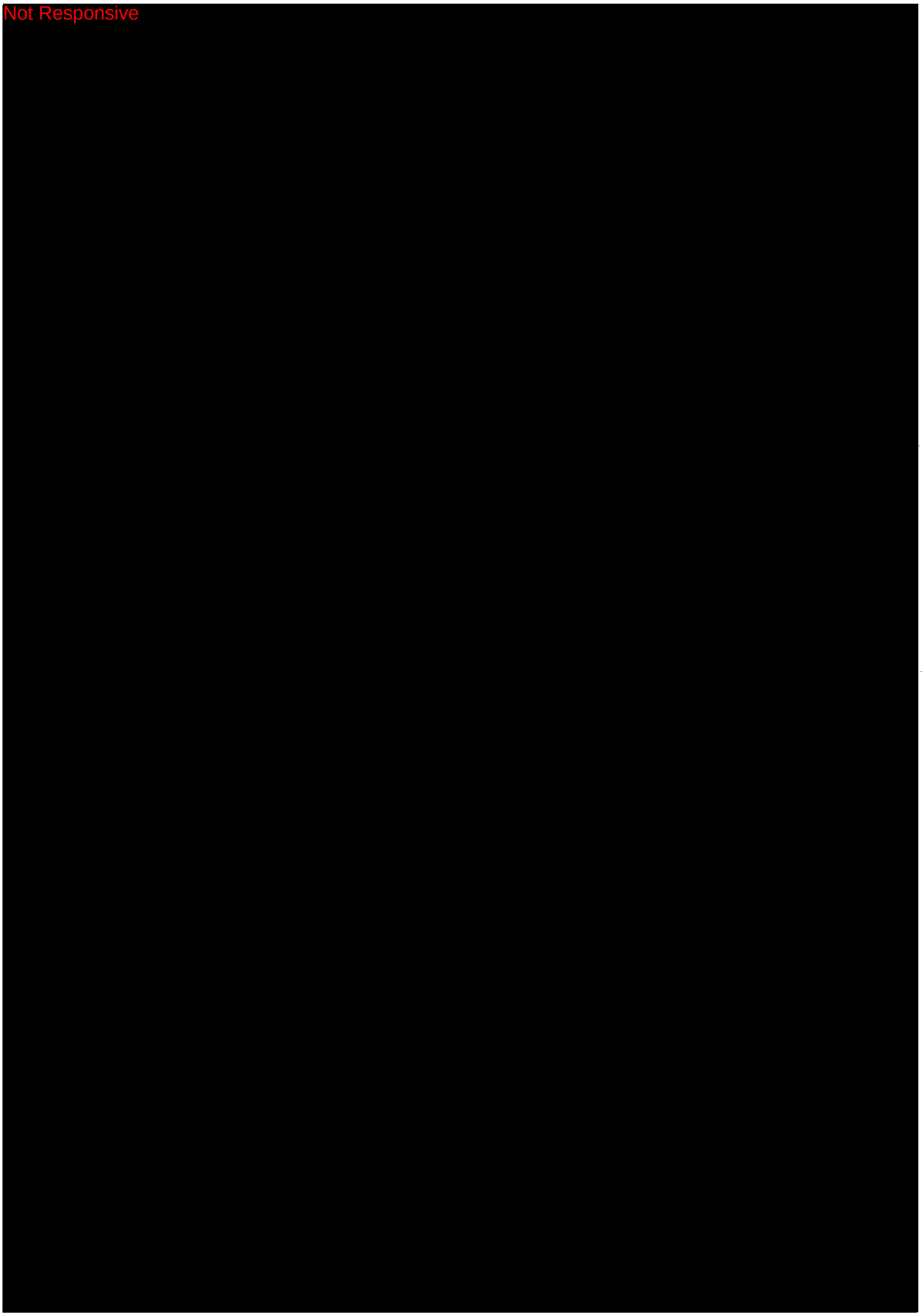
Assumptions

- Assume that the excavated waste relocation work will be conducted and completed at the same time as the gas intercept trench construction work, using the dozer, loader, and roller.

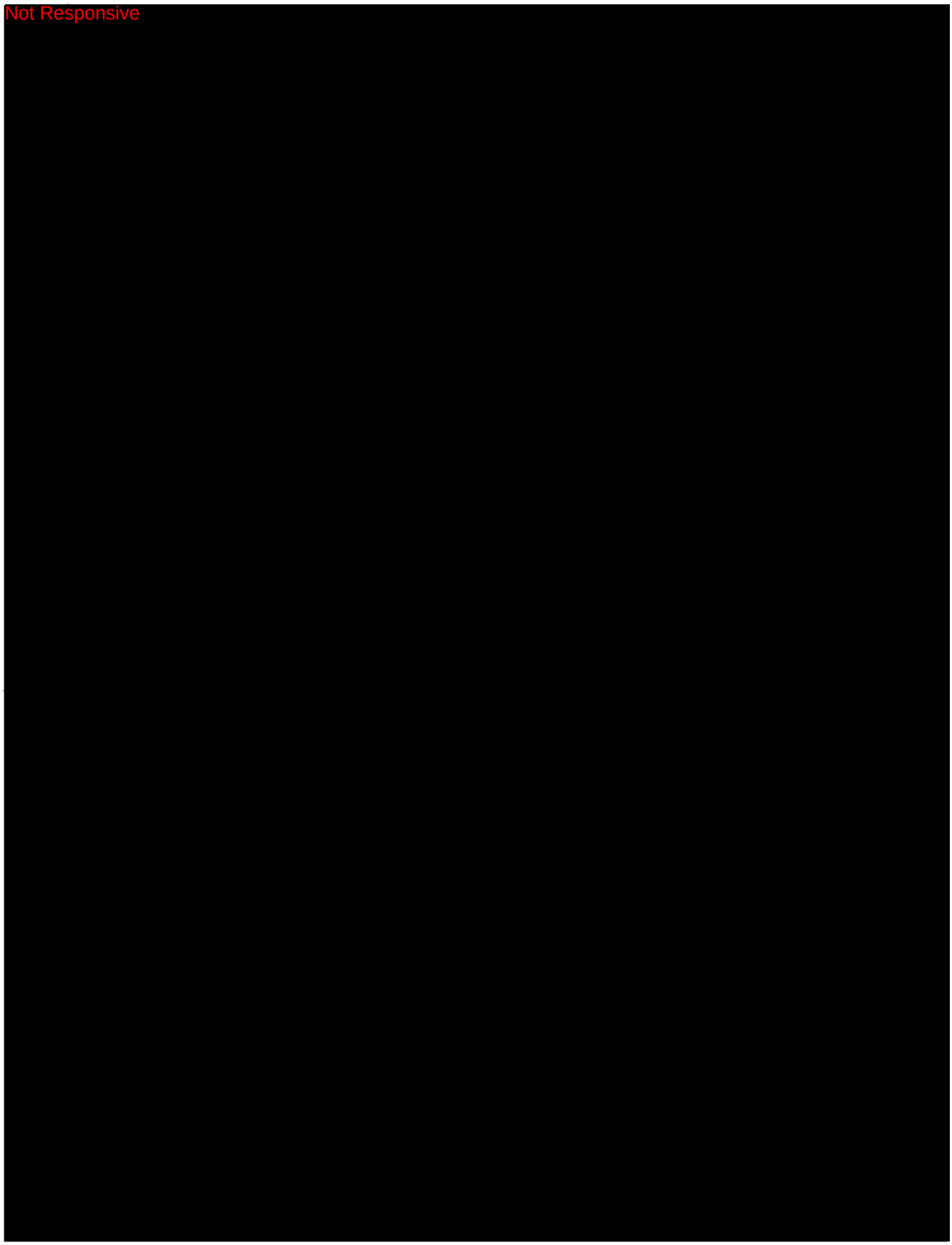
- Assume that the trench will not be dewatered. Excavated material saturated with groundwater/leachate will be placed alongside the trench to allow the groundwater/leachate to drain back into the trench.

- Assume the work will be conducted in Level C personal protective equipment (PPE).

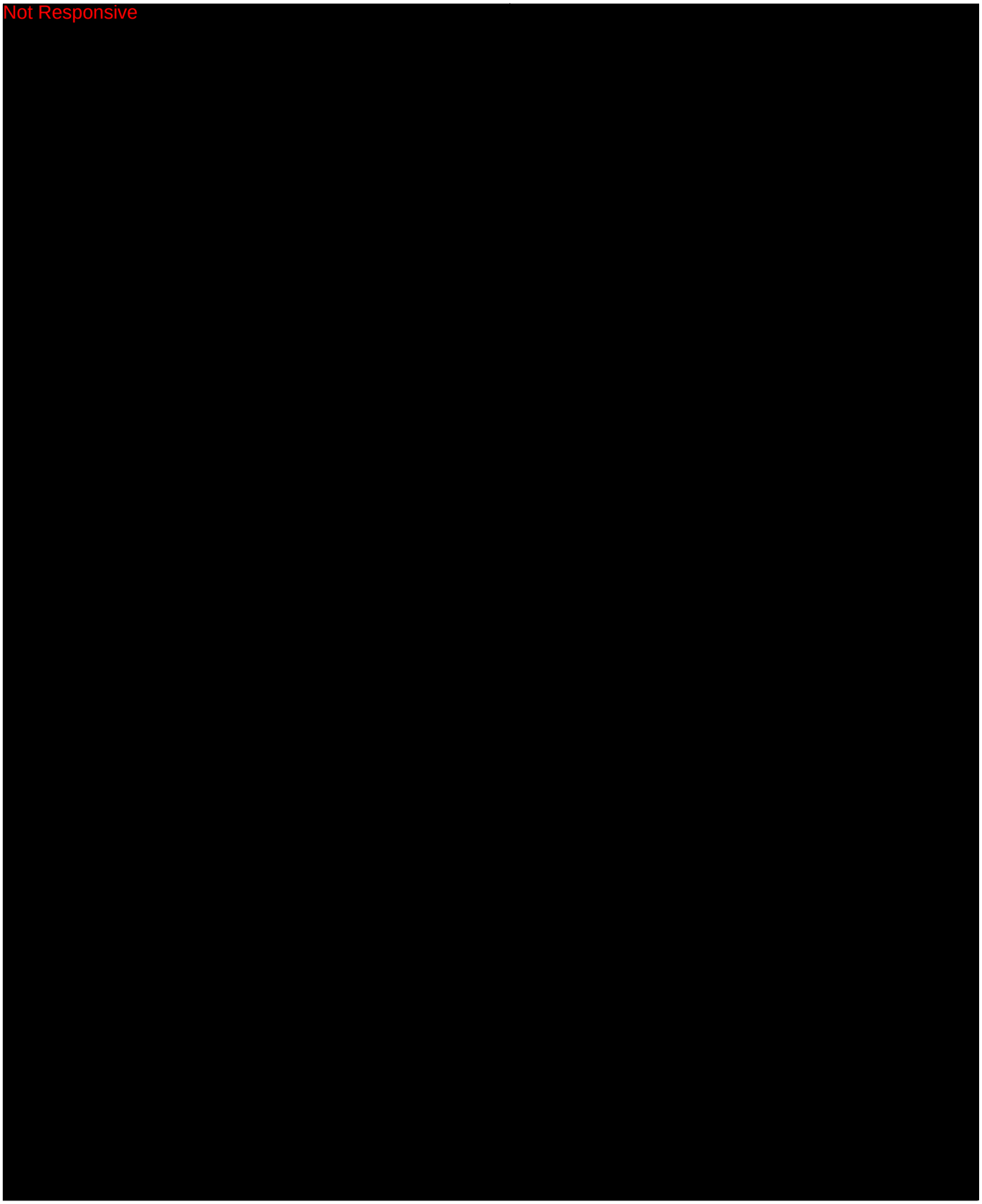
Not Responsive



Not Responsive



Not Responsive



RMT
Integrated
Environmental
Solutions

744 Heartland Trail 53717-1934
P.O. Box 8923 53708-8923
Madison, WI
Telephone: 608-831-4444
Fax: 608-831-3334

August 3, 2001

Mr. George Buttke
The Procter & Gamble Paper Products Company
501 Eastman Avenue
Green Bay, WI 54302

Subject: H&R Landfill Gas Management System Evaluation

In June of this year, representatives of USEPA-Region V contacted The Procter & Gamble Paper Products Co, Green Bay, WI (Procter & Gamble) regarding voluntary participation in addressing an offsite methane gas migration problem at the H&R Landfill site in Green Bay, WI. At the request of Procter & Gamble, RMT has initiated an investigation of the landfill gas migration control system in place at the H&R Landfill. To date, this investigation has consisted of two site visits, a review of the WDNR records, and the development of gas collection system modifications to mitigate problems associated with the existing landfill gas migration control system. Each element of RMT's investigation is briefly described below.

Initial Site Visit and Records Review

On July 19, 2001, a site inspection and meeting was held with representatives of Procter & Gamble, the WDNR, the USEPA, RMT (Procter & Gamble's consultant), and Foth & Van Dyke (WNDR's contractor). This meeting and site inspection was held in order to allow RMT to view the site first-hand and for all involved parties to begin communications regarding landfill gas migration issues at H&R Landfill. The USEPA became involved as an emergency response due to the elevated methane levels detected off the H&R property adjacent to a duplex and single-family residence at the end of Not

From RMT's brief visual inspection of the migration control system, and from discussions with the WDNR and Foth & Van Dyke, it appeared that the lack of existing gas migration control was due to liquids collecting within the extraction wells. This liquid hampers the well's ability to collect subsurface gas and prevents the migration of landfill gas. The source of the water within the wells appeared to be poor surface water management control of precipitation events, and a migration control system that was designed to route liquid to the extraction wells.

From this initial inspection and discussions, it appeared that the major components of the existing migration control system consisting of the blower and header pipe were functioning as planned. Observations of the existing system included noting sufficient vacuum within each well, but problems included vacuum within some of the valve covers (which should not be occurring), and surface water drainage patterns that route and collect water at gas extraction wells near Not . Generally speaking, the ineffective gas collection and poor well performance is caused by liquids collecting in the gas wells.

After the site visit and meeting on July 19, 2001, RMT (M. Torresani and S. Wittmann) and Procter & Gamble (George Buttke) conducted a review of WDNR files related to the H&R Landfill. The file review established that liquid problems have been plaguing the migration control system since it was constructed in 1986. Liquid within the gas migration system was also encountered during improvements and repairs made to the system during October and November 1998, and was also evident in the monitoring reports sent to the WDNR by Foth & Van Dyke over the past 2 years

From this preliminary file review, it became apparent that liquid within the control system has continuously been a problem and while several memos, notes, and letters have been written to address potential solutions to correct the problem, no action has taken place to date to conclusively resolve the problem.

System Analysis

On July 26, 2001, a separate inspection of the existing migration control system was performed by RMT (M. Torresani). This site inspection was carried out to determine how the existing migration control system is operating, and what potential actions may control liquid buildup within the system. Each of the extraction wells near Not [redacted] (GW-23, GW-24, GW-25, and GW-25R), as well as the adjacent valve casings, were monitored and measured for liquid levels and vacuum. In addition to the extraction wells, gas probes GP-1 and GP-3 were monitored for liquid levels and vacuum. Table 1 (attached) summarizes the monitoring results.

Liquid levels within the wells increased from GW-23 to GW-24, possibly indicating liquid migration through the header trench or possibly from surface water flow patterns. Surface water flow patterns adjacent to the migration control system near Not [redacted] promote water collection at the gas extraction wells and above the gas header trench. Surface water collecting above the system may be infiltrating the ground surface and collecting in the header trench backfill, which then acts as a conduit to route water into the gas extraction wells. The path for water from the header trench to the gas extraction wells is likely along or through the lateral pipes that connect the header pipe to the well (see Figure 1).

The lateral pipes also contain the adjusting valve for each well. The adjusting valve is accessed through a 6-inch–diameter valve cover. Vacuum within the valve covers ranged from 0.0 inches to -11.0 inches. Vacuum within the valve cover is an indication of a malfunctioning gas well seal or broken subsurface piping. A malfunctioning seal or a broken pipe can be the conduit to allow liquid to travel from the header trench into the gas extraction wells.

There is a manhole on the H&R property in the vicinity of the study area. RMT could not inspect it due to a large concrete cover. However, the manhole located at the end of Not [redacted] was inspected with assistance from the City of Green Bay Public Works Department. Within the manhole at the end of Not [redacted] was a pipe that appeared to be coming from the manhole located on the H&R property near the site entrance at Not [redacted]. The top of this pipe was located 6.8 feet below the road surface.

The pipe was deadheaded (blocked) to prevent liquid flow. It appears that this may be the original leachate pumping location.

Conclusions

Based on the site visits and record reviews described above, RMT believes that the existing gas collection system can be modified to adequately control landfill gas migration along the Not property boundary. At this time, RMT does not believe that a cutoff trench, as proposed by the USEPA, is warranted. The proposed modifications should include a combination of gas extraction well improvements and site grading improvements to minimize the impacts of surface water infiltration into the existing wells.

Liquid entering the extraction wells may be from three potential sources:

- Condensate formed within the header pipe
- Infiltrating surface water collecting within the header trench
- Surface water collecting at the wells and valve covers

Designing and implementing a surface water drainage plan will eliminate the surface water infiltration directly above the header pipe and extraction wells. Additionally, excavating the existing piping and reinstalling new piping should eliminate surface water infiltration that occurs along the header pipe trench. The system will be designed to allow for future installation of down-well liquid removal pumps. However, RMT does not feel these will be required.

Recommendations

The recommended modifications to the existing migration control system from GW-23 to GW-25R are based on current industry standards and make use of prefabricated and tested components where possible (see Figure 1). The proposed system modifications are as follows:

- Excavate and remove the existing wellhead, including the lateral pipe and control valve between the gas header pipe and the gas well.
- Reconstruct the piping connection and control valves between the gas header pipe and the gas wells above grade (see Figure 1, Detail 2).
- Excavate and replace the gas header pipe from GW-23 to GW-25R.
- Repair and re-establish the well seals, and backfill the excavated area with compacted clay.
- Install a locking vault over the four impacted gas wells.
- Install a membrane seal over the four gas wells to minimize surface water infiltration and maximize gas well zone of influence.
- Establish surface grades that promote surface water drainage away from the migration control system.

- Install a forcemain and air line for the future collection (if necessary) and routing of collected liquid from extraction wells. The pumped liquid would be routed to either the on-site manhole at the end of Not [redacted], the leachate pumping manhole, or a separate storage manhole.

Schedule

Upon receiving the necessary approval for the above recommended modifications, RMT is committed to implementing the design and construction in an expedited manner. The schedule below is based upon a start date after agency concurrence.

ITEM	DURATION
Obtain agency concurrence	To be determined
Obtain topographic survey	1 week
Prepare surface water control plan	1 week
Prepare detailed gas system construction plans	1 week
Obtain contractor bids and negotiate contracts, order materials, mobilize	3 weeks
Implement system improvements	3 weeks
Submit documentation report	2 weeks

In order to compress the time schedule, several of the above tasks can be accomplished in a concurrent manner. For example, while performing the topographic survey and preparing the surface water control plan, the detailed gas system construction plans will also be completed. However, implementation of the system improvements will be dependent upon availability of materials (i.e., pipe, membrane, valves). Based upon these observations, the overall workscope, and RMT's experience with similar projects, we believe that the fieldwork can be completed within about 2 months from obtaining agency approval.

We look forward to discussing our findings to date on this project and the proposed modifications to the existing system.

Sincerely,

RMT, Inc.

Mark J. Torresani

Mark J. Torresani, P.E.
Consultant

Steven G. Wittmann
Senior Project Manager

Attachments: Figure 1 and Table 1

cc: Dave Ross - Procter & Gamble

Table 1
On-Site Well Investigation
July 26, 2001
H&R Paper Refuse Landfill
Green Bay, Wisconsin

[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	COMMENTS
GP-1	-0.01 to 0.00	19.5	23.0	3.5			Mud/Clay on liquid probe
GP at B-21	-2.5						Gas probe between Well #19 and #20. May be close to header trench.
GW-23	-15.0 to -16.0	17.0	17.8	0.8	None	Yes	
GW-24	-14.5 to -16.0	14.6	15.4	0.8	None	No	
GW-25	-15 (steady)	16.7	18.8	2.1	-11	No	
GW-25R	-14.5 to -16.0	13.9	20.0	6.1	-5	No	Adjacent to GW-25R is an old broken (approximately 12") concrete storm sewer. The storm sewer is in poor condition and is a possible source for routing water to GW-25R. Trash is clogging the pipe.

Notes:

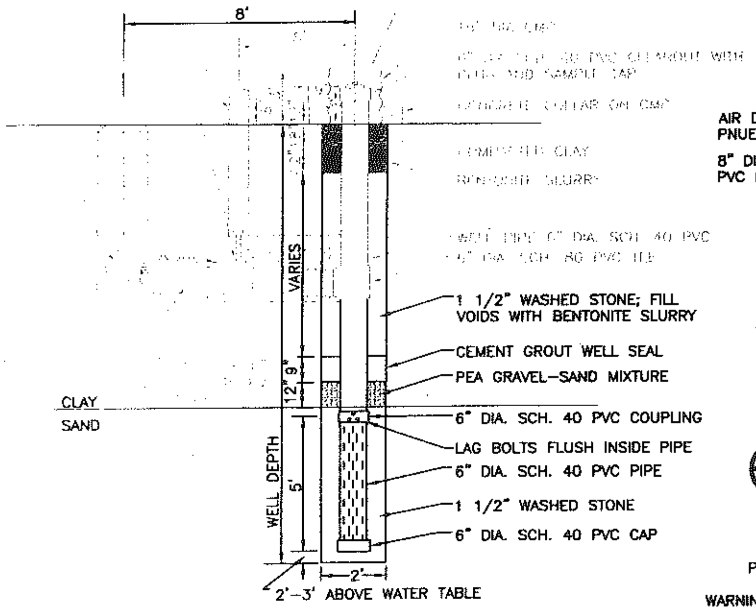
1. Distance from GW-25R to GP-1 is approximately 11.2 feet.
2. An additional gas probe on H&R property was located along the southern side of the house.
3. Blower house operating at: -21" for West system
   -9.5" for East system

Manhole Inspection

Manhole Near Gate: Approximately 6 feet deep with 2" to 3" of water at botttom.

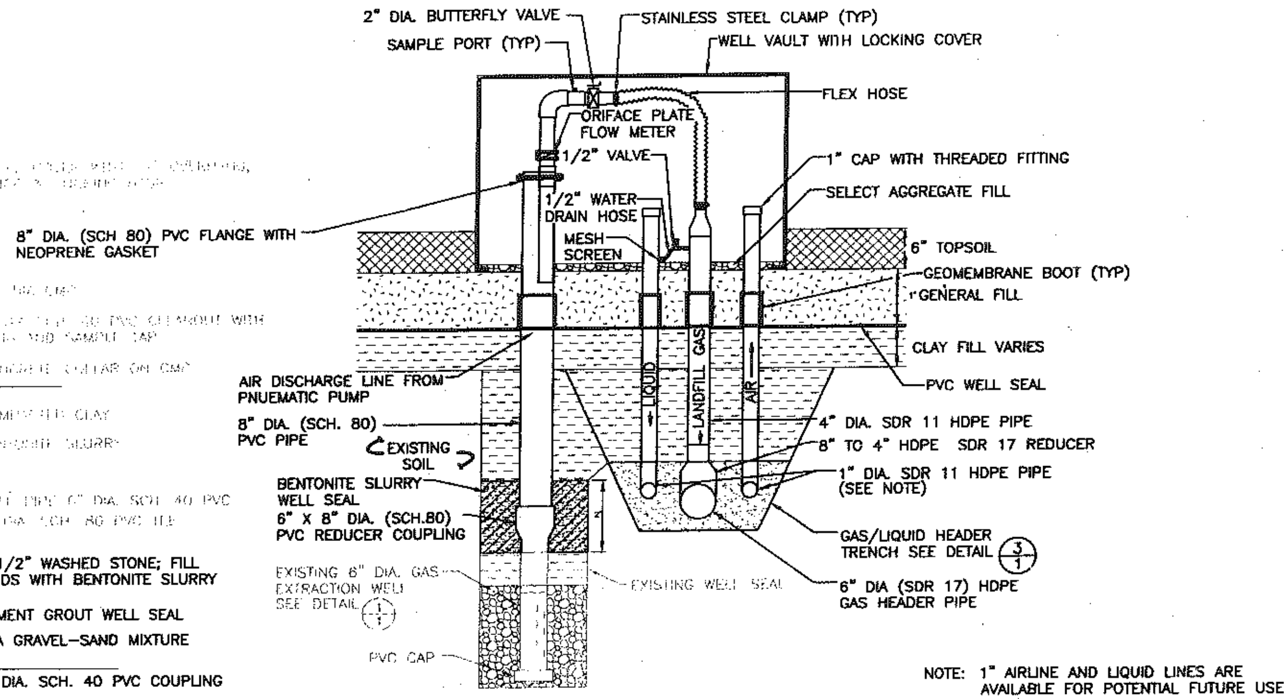
Manhole in Cul de Sac on Not [redacted]: Bottom of manhole 6.8 feet from road surface.
All pipes leading to manhole have been blocked off. Can possibly be opened.

By: MME
Checked By: MJT
Date: 8/1/01



1/1 **EXISTING GAS WELLHEAD**

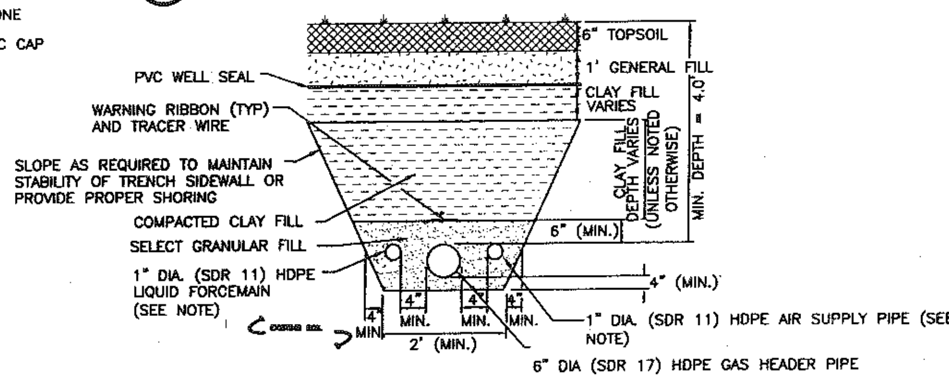
(NOT TO SCALE)



NOTE: 1" AIRLINE AND LIQUID LINES ARE AVAILABLE FOR POTENTIAL FUTURE USE

2/1 **PROPOSED GAS/LIQUID EXTRACTION WELL HEAD**

(NOT TO SCALE)



3/1 **AIR/GAS/LIQUID HEADER TRENCH**

(NOT TO SCALE)

NOTES

1. SCREENED AREAS REPRESENT EQUIPMENT THAT WILL BE REMOVED DURING THE PROPOSED WELLHEAD RECONSTRUCTION FOR GW–23, 24, 25, AND 25R.
2. SOILS SURROUNDING THE 6" DIA. LATERAL PIPE SHOULD BE REMOVED DURING THE PROPOSED WELLHEAD CONSTRUCTION AND BACKFILLED WITH CLAY FILL.

LINE AND SHADING LEGEND

TOPSOIL	NATIVE SOIL
GRANULAR DRAINAGE LAYER	CONCRETE
SELECT COURSE AGGREGATE	RIPRAP
COMPACTED CLAY FILL	GRAVEL
	GENERAL FILL

NO.	BY	DATE	REVISION	APP'D.
3.				
2.				
1.				

PROJECT: H&R PAPER AND REFUSE, INC. LANDFILL GAS LIQUID COLLECTION SYSTEM GREEN BAY, WISCONSIN

SHEET TITLE: FIGURE 1

SCALE: AS SHOWN

SHEET 1 OF 1

AUG 0 3 2001

RMT

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5
77 WEST JACKSON BOULEVARD
CHICAGO, IL 60604-3590

REPLY TO THE ATTENTION OF:

March 12, 2002 SE-5J

Mr. George Buttke, Site Environmental Manager
The Procter & Gamble Paper Products Company
501 Eastman Avenue
Green Bay, WI 54302

RE: H & R Landfill, Green Bay, Wisconsin

Dear Mr. Buttke:

Thank you for The Proctor & Gamble Paper Products Company's (P & G) February 28, 2002, H& R Landfill Mitigation Final Report. Based upon the information in that report, the United States Environmental Protection Agency (U.S. EPA) is satisfied that the terms of the Agency's September 27, 2001, Administrative Order, not including the record preservation provision of Section IX, or other such continuing obligations, have been satisfactorily completed. Therefore, this letter is the U.S. EPA's notice of termination pursuant to paragraph 46 of the Administrative Order.

U.S. EPA appreciates P & G's cooperation in this matter. If you have any questions concerning this letter, please call me at (312) 353-7613.

Sincerely yours,

Brad Benning
On-Scene Coordinator

cc: David E. Ross, Esquire
Legal Division GO C2 #13
One Procter & Gamble Plaza
Cincinnati, Ohio 45202

Brian Barwick (C-14J)
Alan Batka (DE-9J)
Arlene Lilly (SE-5J)

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5
77 WEST JACKSON BOULEVARD
CHICAGO, IL 60604-3590

OCT 02 2001

REPLY TO THE ATTENTION OF
D-8J

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

AUTHOR

C T Corporation System
44 East Mifflin Street
Madison, Wisconsin 53703

R7003-5-01-002

RE: H & R Landfill, Green Bay, Wisconsin

Dear Sir or Madame:

Enclosed please find a unilateral Administrative Order issued by the U.S. Environmental Protection Agency ("U.S. EPA") under Section 7003 Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act ("RCRA"), and further amended by the Hazardous and Solid Waste Amendments of 1984, 42 U.S.C. § 6973.

If you have any questions regarding the Order, feel free to contact Brian Barwick, Assistant Regional Counsel, at (312)886-6620 or Brad Benning, Project Coordinator, at (312) 353-7613.

Sincerely yours,

Joseph M. Boyle

Joseph M. Boyle, Chief
Enforcement and Compliance Assurance Branch

Enclosure

cc: David E. Ross, Esquire
Legal Division GO C2 #13
One Procter & Gamble Plaza
Cincinnati, Ohio 45202

Suzanne Bangert
Director
Bureau of Waste Management
Wisconsin Department of Natural Resources
101 South Webster St.
P.O. Box 7921
Madison, WI 53707-7921

On September 27, 2001, the U.S. EPA, Region 5 issued an Administrative Order to The Procter & Gamble Paper Products Company under the authority of Section 7003(a), "Imminent Hazard", of the Resource Conservation and Recovery Act (RCRA). This order required Procter & Gamble to complete modifications to the methane gas extraction system located at the H&R Landfill in Green Bay, Wisconsin. This action was taken to quickly mitigate the explosive levels of methane gas detected at residential properties located near the landfill.

During the active life of the H&R Landfill, wastes from Procter & Gamble's, Fox River Plant were disposed of at the landfill site. With time, the decomposing waste produces methane gas to a level which can create potential harm to human health and the environment. Through funding from Procter & Gamble, a gas extraction system was installed at the H&R Landfill in 1985 to safely control the accumulation of this gas. Since that time, a portion of the extraction system became inoperable, causing the migration of methane gas to surrounding residential properties. U.S.EPA was notified by the Wisconsin Department of Natural Resources that concentrations of methane gas, exceeding explosive levels, were detected within 30 feet of residential properties located near the landfill. With this information, the U.S.EPA contacted Procter & Gamble and established an Administrative Order under Section 7003(a) of RCRA for the immediate mitigation of methane gas from the affected residential areas. The Administrative Order accomplishes this by requiring Procter & Gamble to reconstruct the gas extraction system to a level that will prevent any imminent and substantial endangerment to human health and the environment.

The Procter & Gamble Paper Products Company has reported that all construction work was completed and a Final Report was submitted to the U.S. EPA on February 28, 2002. The U.S. EPA has reviewed the work completed by Procter & Gamble and has approved this work as settlement of the September 27, 2001, Administrative Order. Region 5 is confident that timely actions and cooperation by the State of Wisconsin, the U.S. EPA, and The Procter & Gamble Company averted a potentially hazardous and life threatening situation.

Sent to Paul on 4/3/02

OECA Performance Report

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5
77 WEST JACKSON BOULEVARD
CHICAGO, IL 60604-3590

REPLY TO THE ATTENTION OF

D-8J

SEP 20 2001

Ms. Suzanne Bangert
Director
Bureau of Waste Management
Wisconsin Department of Natural Resources
101 South Webster St.
P.O. Box 7921
Madison, WI 53707-7921

Re: H & R Landfill

Dear Ms. Bangert:

This is notice that within the next few days the United States Environmental Protection Agency, Region 5 will issue to The Proctor & Gamble Paper Products Company an administrative order pursuant to Section 7003(a) of the Resource Conservation and Recovery Act, 42 U.S.C. § 6973(a). The order will require The Proctor & Gamble Paper Products Company to take certain actions in order to prevent the migration of methane gas from the H & R Paper and Refuse landfill in Green Bay. Region 5 prepared the order in consultation with Kristin DuFresne and Joe Renville of the Wisconsin Department of Natural Resources.

If you have any questions, you may call me at (312) 886-4434.

Sincerely,

Joseph M. Boyle

Joseph M. Boyle, Chief
Enforcement and Compliance Assurance Branch
Waste, Pesticides and Toxics Division

cc: Steven Sisbach, WDNR

H & R LANDFILL

Brian Barwick
09/14/01 09:55 AM

To: Allan Batka/R5/USEPA/US@EPA
cc:
Subject: AR

Allen:

Some time later this am, Mark Bedford will email me a revised copy of the AR docket. It will now include, among other things, a study published in Environmental Science and Technology finding that decompisition of wood and paper type wastes in landfill conditions does generate methane gas. In addition, it will include the Superfund Action Memo which describes the situation and includes EPA's initial plan to remediate the site. I think both of these are things Joe specifically wanted included. When Mark emails me the revised AR docket, I will forward it to you. I also told Mark that RCRA staff may want to look at the AR. If you want to do that, go to the 7th floor file room and ask for Mark since he has the AR on his desk.

Brian

Procter&Gamble

The Procter & Gamble Paper Products Company
Legal Division
One Procter & Gamble Plaza, Cincinnati, OH 45202-3315

David E. Ross
Senior Counsel

Phone: (513) 983-3995
Fax: (513) 983-7635
ross.de.1@pg.com

September 5, 2001

VIA EMAIL and U.S. MAIL
Brian Barwick, Esq.
U.S. EPA, Region V
77 West Jackson Blvd
Chicago, IL 60604-3590

Dear Mr. Barwick:

Re: H&R Landfill

Enclosed is a revised draft Administrative Order on Consent pertaining to the H&R Landfill matter.

With one possible exception noted below, there are no major substantive changes in this draft compared to your original version. As you'll see, most of the changes reflect attempts to clarify certain matters, or in a few instances to correct detected inconsistencies. The reason for most of the proposed changes is self-evident, but a written explanation of certain changes is set forth below.

The one conceptual change verses your draft relates to the fact that the various "work" plans (e.g. Gas System Retrofit Construction Plan, etc.) are not attached to the AOC but are to be submitted at a later date. This approach was necessary because some field work will have to be done to obtain data required for certain aspects of the Plans. I understand that this approach was discussed with and approved by Brad Benning.

The following are the explanations for certain of the proposed changes reflected in the attached draft. Note that the referenced paragraphs are those in your original draft document (herein "Old Paragraphs").

Section I Jurisdiction [New Section I]
The first two sentences of the second paragraph have been deleted since such copy either (i) is covered by the WHEREAS/ THEREFORE provisions, (ii) has been moved in part to the new Section I, and/or (iii) is covered by Old Paragraph 26.

Old Paragraph 16 [Deleted]
Deleted as not relevant to the current situation/ proceeding.

Old Paragraph 28 [New Paragraph 27(e)]

Revised and moved to new paragraph 27(e).

Old Paragraph 30 Introduction [Revised]
The original opening paragraph was deleted as redundant to old paragraph 25 and the WHEREAS/ THEREFORE provisions.

Old Paragraph 30(c) [Revised]
The date for completing the final report required by Paragraph 30(f) is changed to "60 days after completion of all systems improvements" to be consistent with Old Paragraph 30(f).

Old Paragraph 30(f) [Revised in part and Deleted in part]
The final report called for by this paragraph should be after "completion of all system improvements," not after completion of "all actions" required by the Order – since the latter includes record retention provisions of at least two years.

Also, this is not a removal action, and the provisions pertaining to "off site removals," etc. were deleted.

Old Paragraph 30(f) Certification [Revised]
The certification copy has been revised to conform to EPA's current certification provisions in the Title V Permit program.

Old Paragraph 32 [Deleted in part]
The provision calling for 60 days notice of document destruction is deemed to be overkill and unnecessary.

Old Paragraph 33 [Revised]
This is not a removal action and it is doubtful that there will be any "sample collections and analysis activities" as those terms are typically used, so this provision is qualified by the term "As appropriate . .. "

Old Paragraph 39 [Deleted in part]
The deleted phrase added nothing and incorrectly suggested that, contrary to Old Paragraph 34, EPA may unilaterally modify the Order.

Old Paragraph 41 [Revised]
We arbitrarily selected a 14 day public comment period, but are not strongly committed to it. (In addition, we need to discuss how the public comment period is going to be implemented.)

Old Paragraph 54 [Revised in part and Deleted in part]
This Paragraph was revised for several reasons;

-- The first sentence of this Paragraph contained two "exception" provisions – one at the

beginning of the sentence and one at the end. The one at the end is deleted as redundant.

-- The covenants not to sue should be applicable immediately upon issuance of the Order, so long as Respondent is satisfactorily performing its obligations, and not just when the final Termination and Satisfaction Notice is given. Thus the phrase beginning "upon issuance. . ." was deleted.

-- The copy in Old Paragraph was self-contradictory. First, it provided that EPA covenants not to sue or take action against Respondent "for any failure to perform actions agreed to in this Order." Then it conditions the covenant upon the "complete and satisfactory performance by Respondent of its obligations under this Order." The copy has thus been revised to avoid this inconsistency.

Old Paragraph 60 [Deleted in part]
The deleted copy was confusing since "the terms of this Order" includes any "tasks ...required pursuant to this Order."

Old Paragraph 61, Old Section XXVI Effective Date and Waiver of Opportunity to Confer [Deleted]
This Section was deleted for several reasons:
-- it uses two terms that are confusing – "effective date" and "final effective date"

-- There is already a definition of "effective date" in Old Paragraph 44 and it should be used for purposes of Section VII. (In fact, the proposed definition of that term in Old Paragraph 61 was inappropriate since it would trigger activity by Respondent upon the issuance of the Order while the public comment period is still running.)

Old Paragraph 62
The meaning of the deleted provision "(B)" is not clear.

Please advise if you have any questions or comments concerning the foregoing.

Very truly yours,

David E. Ross

Enclosures

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5
77 WEST JACKSON BOULEVARD
CHICAGO, IL 60604-3590

8/21/01

REPLY TO THE ATTENTION OF

MEMORANDUM

SUBJECT: **ENFORCEMENT ACTION MEMORANDUM** - Request for a Time-Critical Removal Action at the H&R Landfill Site, Green Bay, Brown County, Wisconsin (ID # 059E)

FROM: Brad P. Benning, On-Scene Coordinator
Emergency Response Branch - Section 2

TO: William E. Muno, Director
Superfund Division

THRU: Richard C. Karl, Chief R. Karl
Emergency Response Branch

I. PURPOSE

The purpose of this memorandum is to document the determination of an imminent and substantial threat to public health and the environment posed by the release of landfill gas containing methane from the H&R Landfill Site, Green Bay, Brown County, Wisconsin.

The actions proposed herein will mitigate site conditions by intercepting methane in the landfill gas before it laterally migrates from the site perimeter into the basements of residential occupied structures which immediately adjoin the landfill.

A previously installed gas extraction system has failed to control migration of landfill gas along the northwest perimeter of the site, increasing the risk for fire and explosion potential. In order to mitigate this threat, a landfill gas extraction system will be installed between the gas-generating wastes of the landfill and off-site structures where migrating gas is accumulating. This system will be designed, constructed, and operated in such a fashion that it is capable of actively or passively preventing migration of landfill gas beyond the landfill perimeter. Specific performance criteria are described below. The fact that releases of methane have already occurred and present an imminent and substantial endangerment to residents affected by the releases, which are likely to continue until removal activities have been completed, requires that this action be considered time critical.

The H&R Landfill Site is not on the National Priorities List (NPL), and is not being considered for the NPL.

II. SITE CONDITIONS AND BACKGROUND

CERCLIS ID # WID981950413

A. Physical Location and Description

The H&R Landfill (Landfill) Site (Site) is located east of Green Bay, at the intersection of Finger Road and Huron Road. Its geographical coordinates are latitude 44° 29' 00" N, longitude 87° 55' 00" W. The landfill area covers approximately 17 acres of a 40 acre parcel. The Site is surrounded by two residential subdivisions to the east, a golf course to the north, and light residential/agricultural areas to the south and west.

The Landfill operated between 1970 and 1984, reportedly accepting primarily paper mill waste consisting of reject pulp short fiber, water treatment sludge, boiler house and stack ash. The remaining waste streams included demolition material, asbestos, and car shredder fluff. The total volume of waste landfilled at the Site is estimated to be in excess of 500,000 cubic yards.

A Region 5 Superfund Environmental Justice ("EJ") analysis has been prepared for the area surrounding the Site. This analysis is presented in Attachment IV. In Wisconsin, the low-income percentage is 56 and the minority percentage is 18. To meet the EJ concern criteria, the area within 1 mile of the Site must have a population that is twice the state low-income percentage and/or twice the state minority percentage. That is, the area must be at least 100% low-income and/or 36% minority. At this site, the low-income percentage is 16.9 and the minority percentage is 0.72 as determined by Arcview or Landview III EJ analysis. Therefore, this site does not meet the region's EJ criteria based on demographics as identified in "Region 5 Interim Guidelines for Identifying and Addressing a Potential EJ Case, June 1998".

B. Site Background

The Site was operated under a WDNR license during the active filling period from 1970 through 1984. During this period numerous site inspections were conducted by WDNR personnel.

In October 1983, WDNR responded to residential complaints in the area concerning the presence of hydrogen sulfide inside private homes and sanitary sewers. The problem was traced back to leachate being pumped from the site into the sanitary sewer. The Site was required by WDNR to pretreat the leachate prior to disposal into the sanitary sewer. This activity continued until June of 1985 when the owners/operators abandoned the landfill, stopping all leachate collection and groundwater monitoring. The Site had been covered and good vegetative growth had been established, when WDNR inspected monitoring wells and gas probes in the fall of 1985 and discovered high methane concentrations (up to 56%) on and off site. The WDNR determined that an emergency condition existed at the facility due to the close proximity of a residential

subdivision to the east of the site. In October of 1985, a contractor was hired by WDNR to design and install an active gas extraction system. A series of extraction wells were installed along the perimeter of the landfill during the winter and spring of 1986. The gas extraction system has since been maintained by the WDNR.

In the fall of 1988, the State reached a stipulated settlement with the owners operators and the Proctor&Gamble Company to install a leachate pumping system and maintain the system for a period of three years. After the three year period the leachate removal ceased, allowing the liquid levels in the landfill to increase and limit the operation of the gas extraction system.

The WDNR has been monitoring this section of the landfill since the lateral migration of methane off site became evident in February of 2000. Sampling conducted over the last year indicates methane concentrations in gas probe GP-3 and GP-1 fluctuate but have been as great as 47% and 58%, respectively. Gas probe GP-3 is located off site and approximately 30 feet from a residential home, gas probe GP-1 is adjacent to GP-3 but within the landfill perimeter. The methane concentrations appear to fluctuate as leachate levels in the landfill change with local precipitation.

On May 12, 2000, the WDNR requested assistance to address the methane gas migration which appears likely to impact a residential home located along the landfills northwest perimeter. The United States Environmental Protection Agency (U.S. EPA) conducted a site assessment at the H&R Landfill on May 18, 2000, primarily to confirm the WDNR's findings that methane is migrating laterally and that this situation poses an imminent and substantial threat to public health, welfare and the environment. U.S. EPA's contractor Ecology & Environment, along with the State's contractor Foth & Van Dyke, conducted sampling at the gas probes and in the basement of the resident nearest the impacted probe. The results obtained by both contractors correlated well and found methane concentrations in GP-3 around 50% and GP-1 at 60%, with no detectable levels in the basement.

The U.S. EPA provided methane meters to the two residential units which were likely to be impacted first by any gas incursion into basements. The meters will detect methane and alarm when 10% of the lower explosive limit is reached.

Although the WDNR has been monitoring the gas extraction system at H&R Landfill, they do not have the financial resources that would be required to reinstate leachate removal operations and repair/replace the gas extraction system.

III. THREATS TO PUBLIC HEALTH, WELFARE, OR THE ENVIRONMENT, AND STATUTORY AND REGULATORY AUTHORITIES

The conditions at the H&R Landfill Site present an imminent and substantial threat to the public health, or welfare, and the environment and meet the criteria for a removal action provided for in the National Contingency Plan (NCP), Section 300.415, Paragraph (b)(2). 40 C.F.R. § 300.415(b)(2)(i), (iv), (v), and (vi) respectively, specifically allows removal actions for:

a) Actual or potential exposure to nearby human populations, animals, or the food chain from hazardous substances or pollutants or contaminants;

Methane gas emanating from a landfill is not considered to be a natural gas, and such releases may therefore be eligible for response under section 104(a)(1) if methane gas otherwise meets the definition of pollutant or contaminants under section 104(a)(2). Because potentially explosive gas levels have been detected through monitoring at the perimeter of the landfill and nearby homes, this situation meets the criteria for a "pollutant or contaminant" within the meaning of CERCLA. Because methane is odorless and colorless, it essentially has no warning properties available to the general public. The potential migration of methane into the basements of residential dwellings poses a substantial threat to the public due to the threat of asphyxiation and the fire and explosion hazards. While methane has no inherent toxicity, it is highly explosive and functions as an asphyxiant upon its displacement of oxygen in confined, occupied spaces. Two residential homes have been constructed within 50 feet of the northwest perimeter of the landfill, with methane detected in a gas monitoring well that is approximately 30 feet from one of the homes.

b) High levels of hazardous substances or pollutants or contaminants in soils largely at or near the surface, that may migrate;

High levels of methane, a major component of landfill gas, have been detected in probes at the landfill perimeter and within gas probes near the adjacent off-site structure. While methane has no inherent toxicity, it is highly explosive and functions as an asphyxiant upon its displacement of oxygen in confined, occupied spaces. At the H&R Landfill Site, methane concentrations frequently exceed 100 percent of the LEL in the off-site gas probe.

c) Weather conditions that may cause hazardous substances or pollutants or contaminants to migrate or be released;

Landfill gas migration rates are directly influenced by a number of meteorological and weather-related factors, including barometric pressure fluctuations, precipitation, and soil saturation and freezing differentials. The portion of the methane extraction system which is not functioning is primarily due to soil saturation problems. This portion of the system is located in a drainage swale and receives a substantial amount of precipitation runoff. Heavy precipitation events are likely to increase the potential for lateral migration of methane towards the residential area.

d) Threat of fire or explosion:

Landfill gas typically contains high concentrations (up to approximately 75 percent) of methane. When methane accumulates in confined spaces at concentrations between its LEL (5 percent) and upper explosive limit (UEL=15 percent), an explosive atmosphere exists. The occurrences of fires and explosions in structures adjoining landfills and attributed to migration of landfill gas are well documented. They are almost always violent and frequently result in death and/or serious personal injury. For this reason, Federal and State landfill gas regulations require that landfill facilities manage landfill gas to ensure that 50 percent of the LEL for methane can never be measured beyond the facility perimeter and that 25 percent of the LEL cannot be detected within structures on or near the facility.

Levels of methane in landfill gas which has the potential to migrate to structures adjacent to the H&R Landfill routinely exceed 100 percent of the LEL and constitute a serious threat of catastrophic fire and/or explosion. Building ventilation systems and/or alarm systems are not considered to be an appropriate form of gas management. Rather, they are considered as temporary mitigative options pending the active construction and timely completion of active gas extraction systems. The serious threat of fire and/or explosion in off-site structures adjacent to the H&R Landfill Site will continue to exist until installation and operation of an active gas management system are implemented.

e) The availability of other appropriate Federal or State response mechanisms to respond to the release;

The WDNR continues to monitor the existing gas probes and the basement of the home adjacent to the site, but does not have the financial resources to take the actions necessary to stop the lateral migration methane off site.

IV. ENDANGERMENT DETERMINATION

Given the Site conditions, the nature of the suspected pollutant / contaminant on Site, and the potential exposure pathways described in Sections II and III above, actual or threatened releases of pollutants / contaminants from this Site, if not addressed by implementing the response actions selected in this Action Memorandum, may present an imminent and substantial endangerment to public health, or welfare, or the environment.

V. PROPOSED ACTIONS

The OSC proposes that the following actions be taken to mitigate threats posed by the lateral migration of methane at the H&R Landfill Site:

1) Develop and implement a site-specific health and safety plan and emergency contingency plan;

2) Develop and implement a site-specific workplan, including a proposed timeline;

3) Implement appropriate site security measures;

4) Construct a trench system designed to divert leachate and to intercept laterally-migrating landfill gas from the northwest perimeter of the H&R Landfill to off-site structures along Not [redacted]. The performance of this system shall be such that methane concentrations shall not exceed 0 percent of the LEL in any off-site structures and shall not exceed 50 percent of the LEL in soil at the landfill property boundary or within 100 feet of the waste burial boundary, whichever is less;

5) Connect the leachate collection trench to the existing collection system installed in the southern portion of the landfill;

6) Install a passive and/or active gas extraction system in the trench to remove accumulating methane and vent it to the atmosphere;

7) Arrange and effect transportation and disposal of all hazardous wastes, pollutants, and contaminants at an EPA-approved disposal facility.

All hazardous substances, pollutants, or contaminants removed off site pursuant to this removal action for treatment, storage, and disposal shall be treated, stored, or disposed of at a facility in compliance, as determined by U.S. EPA, with the U.S. EPA Off-site Rule, 40 CFR § 300.440, 58 Federal Register 49215 (September 22, 1993).

The OSC has initiated consideration for provision of post-removal site control consistent with the provisions of Section 300.415(l) of the NCP. It is anticipated that any post-removal site control will be undertaken by potentially responsible parties (PRPs) and/or State authorities.

The response actions described in this memorandum directly address the actual or threatened release at the site of a pollutant, or of a contaminant which may pose an imminent and substantial endangerment to public health or welfare or to the environment. These response

actions do not impose a burden on affected property disproportionate to the extent to which that property contributes to the conditions being addressed. It is anticipated that time-critical removal activities will take approximately 30 calendar days to complete.

Applicable or Relevant and Appropriate Requirements

All applicable, relevant, and appropriate requirements (ARARs) will be complied with to the extent practicable. Any State or Federal ARARs identified in a timely manner for this removal action will be complied with to the extent practicable.

VI. EXPECTED CHANGE IN THE SITUATION SHOULD ACTION BE DELAYED OR NOT TAKEN

Continued high risk to public health and the environment will result if no action or delayed action ensues.

VII. OUTSTANDING POLICY ISSUES

Methane gas emanating from a landfill is not considered to be a natural gas, and such releases may therefore be eligible for response under section 104(a)(1) if methane gas otherwise meets the definition of pollutant or contaminants under section 104(a)(2). Because potentially explosive gas levels have been detected through monitoring at the perimeter of the landfill and neaby homes, this situation meets the criteria for a "pollutant or contaminant" within the meaning of CERCLA. The OSC has coordinated with EPA HQ's Office of Emergency and Remedial Response and requests concurrence with the OSC's and Region's determination that this action meets the criteria for an "imminent and substantial danger to public health or welfare" as required under the NCP.

VIII. ENFORCEMENT

For administrative purposes, information concerning the enforcement strategy for this Site is contained in the Enforcement Confidential Addendum.

Only needed under CERCLA Not RCRA

IX. RECOMMENDATION

This decision document represents the selected removal action for the H&R Landfill Site located in Green Bay, Brown County, Wisconsin and developed in accordance with CERCLA, as amended by SARA, and is not inconsistent with the NCP. This decision is based upon the Administrative Record for the Site.

Conditions at the Site meet the NCP Section 300.415(b)(2) criteria for a removal and I recommend your approval of the proposed removal action. You may indicate your decision by signing below.

APPROVE: Richard Karl for DATE: 6-29-01
Director, Superfund Division

DISAPPROVE: _____ DATE: _____
Director, Superfund Division

Attachments: I. Enforcement Confidential Addendum
II. Administrative Record
III. Region 5 Superfund EJ Analysis

cc: C. Stanton, U.S. EPA, 5202-G
D. Henne, U.S. Department of the Interior, **w/o Enf. Addendum**
A. Walden, WDNR, **w/o Enf. Addendum**

ENFORCEMENT ADDENDUM

H & R Landfill Site
Green Bay, Brown County, Wisconsin
AUGUST 2001

HAS BEEN REDACTED
(1 PAGE)

NOT RELEVANT TO THE SELECTION OF THE REMOVAL ACTION

ATTACHMENT II

U.S. ENVIRONMENTAL PROTECTION AGENCY
REMOVAL ACTION

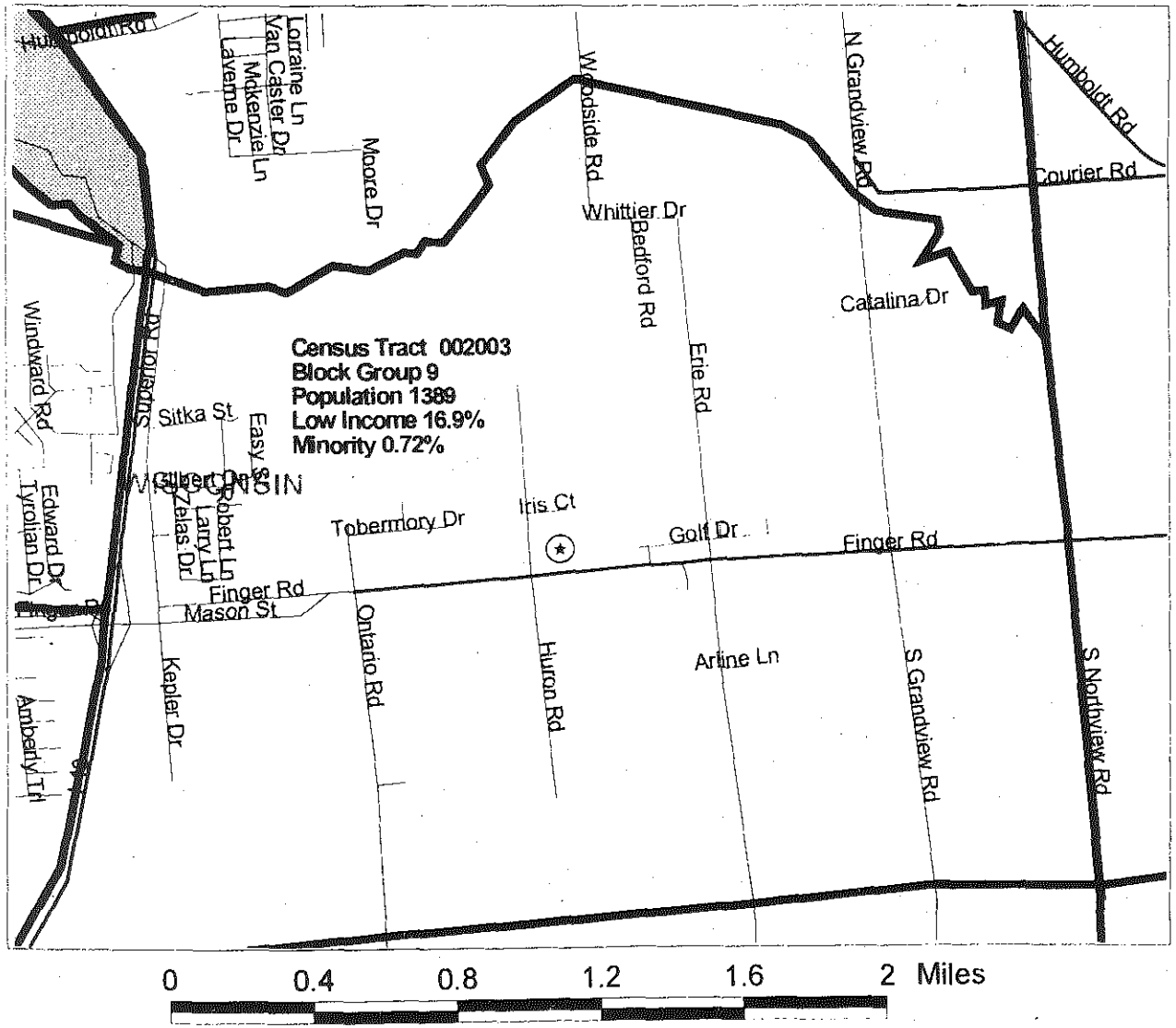
ADMINISTRATIVE RECORD
FOR
H&R LANDFILL SITE
GREEN BAY, BROWN COUNTY, WISCONSIN

ORIGINAL
AUGUST 1, 2001

NO.	DATE	AUTHOR	RECIPIENT	TITLE/DESCRIPTION	PAGES
1	00/00/00	Weidner, G., *Hanaway, Ross, Hanaway, Weidner & Garrity, S.C.*	State of Wisconsin/ Circuit Court/ Dane County	Third Party Complaint by H&R Paper Adding Proctor & Gamble as a Defendant	11
2	00/00/00	Johnson, T., *Peterson, Johnson & Murray, S.C.*	State of Wisconsin/ Circuit Court/ Dane County	Proctor & Gamble's Answer to Third Party Complaint	5
3	04/10/81	Zabor, W., Proctor & Gamble Paper Products Company	Shimek, S., Soil Testing Services of Wisconsin, Inc.	Letter re: Waste Characterization Data for Proctor & Gamble's Green Bay Division	21
4	11/14/00	Ecology and Environment, Inc.	U.S. EPA	Letter Report for the H&R Landfill Site	16
5	2000-2001	Foth & Van Dyke	WDNR	Weekly Gas Monitoring Reports for the Period May 15, 2000 - July 9, 2001 for the H&R Landfill Site (WEEKLY REPORTS MAY BE VIEWED AT U.S. EPA REGION 5 SUPERFUND RECORDS CENTER)	
7	00/00/00	Benning, B., U.S. EPA	Muno, W., U.S. EPA	Action Memorandum: Request for a Time-Critical Removal Action at the H&R Landfill Site **(PENDING)**	

Region 5 Superfund EJ Analysis

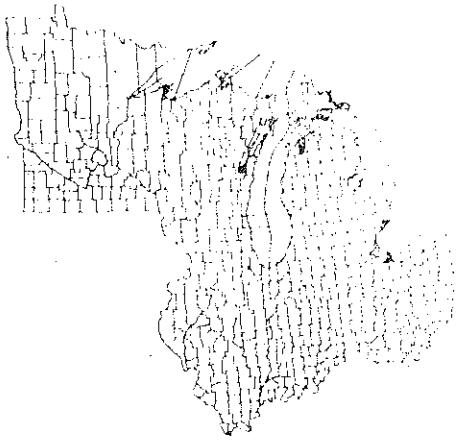
H&R Landfill Site Green Bay, Wisconsin



EJ Identification

- Low Income and Minority Less than State Average
- Low Income or Minority at or Greater than State Average
- Low Income or Minority 2 Times or Greater than State Average [meets Region 5 EJ Case criteria]
- Site Location
- Block Group Boundary

Region 5 EJ Case Criteria for Wisconsin
Minority: 18% or greater
Low Income: 56% or greater



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5
77 WEST JACKSON BOULEVARD
CHICAGO, IL 60604-3590

REPLY TO THE ATTENTION OF
D-8J

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

C T Corporation System
44 East Mifflin Street
Madison, Wisconsin 53703

RE: H & R Landfill, Green Bay, Wisconsin R7003-5-01-002

Dear Sir or Madame:

Enclosed please find a unilateral Administrative Order issued by the U.S. Environmental Protection Agency ("U.S. EPA") under Section 7003 Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act ("RCRA"), and further amended by the Hazardous and Solid Waste Amendments of 1984, 42 U.S.C. § 6973.

If you have any questions regarding the Order, feel free to contact Brian Barwick, Assistant Regional Counsel, at (312)886-6620 or Brad Benning, Project Coordinator, at (312) 353-7613.

Sincerely yours,

Joseph M. Boyle, Chief
Enforcement and Compliance Assurance Branch

Enclosure

cc: David E. Ross, Esquire
Legal Division GO C2 #13
One Procter & Gamble Plaza
Cincinnati, Ohio 45202

Suzanne Bangert
Director
Bureau of Waste Management
Wisconsin Department of Natural Resources
101 South Webster St.

UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY
REGION 5
CHICAGO, ILLINOIS

IN THE MATTER OF	)	DOCKET NO. R7003-5-01-002
	)	
THE H & R PAPER AND REFUSE LANDFILL	)	PROCEEDING UNDER SECTION 7003 OF THE RESOURCE CONSERVATION AND RECOVERY ACT, as amended, 42 U.S.C. § 6973
	)	
THE PROCTER & GAMBLE PAPER PRODUCTS COMPANY	)	
	)	
RESPONDENT	)	
	)	

ADMINISTRATIVE ORDER

I. JURISDICTION

This Order concerning the H&R Paper and Refuse Landfill ("H&R Landfill") is issued to The Procter & Gamble Paper Products Company ("Respondent") pursuant to the authority vested in the Administrator of the United States Environmental Protection Agency by Section 7003(a) of the Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act ("RCRA"), and further amended by the Hazardous and Solid Waste Amendments of 1984, 42 U.S.C. § 6973. The authority to issue this Order pursuant to Section 7003 has been delegated to the Chief, Enforcement and Compliance Assurance Branch, Waste, Pesticides and Toxics Division, United States Environmental Protection Agency, Region 5.

II. FINDINGS OF FACT

The factual findings herein are based upon information known to U.S. EPA at the time of issuance of this Order.

1. The H & R Landfill, located on Finger Road in Brown County, Wisconsin in the Southwest 1/4 of the Southeast 1/4 of Section 2, Township 23 North, Range 21 East, City of Green Bay, Wisconsin (Brown County Assessor's Parcel Number 2144), was operated by H & R Paper and Refuse Service, Incorporated as a solid waste disposal facility from approximately 1971 through 1983.

2. Richard J. Johnson of N17940 Lily Lake Road, Dunbar, Wisconsin 54119 was

president and registered agent for H & R Paper and Refuse Service, Incorporated. Harold W. Johnson, deceased, was vice-president of H & R Paper and Refuse Service, Incorporated. Donald P. Leahy, deceased, was the secretary and treasurer of H & R Paper and Refuse Service, Incorporated.

3. In 1983, H & R Paper and Refuse Service, Incorporated filed articles for dissolution. Richard J. Johnson, Harold W. Johnson, and Donald P. Leahy became tenants in common with an ownership interest in the H & R Landfill property.

4. In 1984, Richard J. Johnson, Harold W. Johnson, and Donald P. Leahy deeded their interests in the H & R Landfill property to Finger Road Investments, Incorporated ("FRII").

5. FRII is an administratively dissolved Wisconsin Corporation which, pursuant to ch. 180.1405 of the Wisconsin Statutes, retains title to the H & R Landfill property.

6. Richard J. Johnson is the President of FRII.

7. Respondent is an Ohio corporation headquartered at One Procter & Gamble Plaza, Cincinnati, Ohio 45202 and operates a paper products manufacturing facility located at 501 Eastman Avenue, Green Bay, Wisconsin 54302 ("Fox River Plant").

8. Solid wastes generated at Respondent's Fox River Plant during the 1971 through 1983 active life of the H & R Landfill included such materials as cooked wood chips and knots, cellulose fines, tree bark, sawdust, water treatment sludge, and fly ash. During at least a portion of the period 1971 through 1983, Respondent disposed of such wastes, which are of the type that biodegrade and generate methane gas, in the H & R Landfill.

9. In the Fall of 1985, the Wisconsin Department of Natural Resources (WDNR) detected subsurface methane gas in concentrations of as much as 56 percent on and adjacent to the H & R Landfill. In response, the WDNR installed a gas extraction system at the H & R Landfill to prevent subsurface migration of methane gas.

10. Pursuant to a November 23, 1988, Consent Judgment with the State of Wisconsin, FRII constructed a leachate pumping and pretreatment system at the H & R Landfill and operated the system for at least two years, and Respondent contributed a total of $30,000 in two annual installments to help cover the operating costs of such system.

11. On May 12, 2000, WDNR notified the U.S. EPA that subsurface methane gas was again migrating from the H & R Landfill and had been detected at sampling point GP-3, located adjacent to the H & R Landfill and within approximately 30 feet of occupied residential properties at Not Responsive [redacted], Green Bay, Wisconsin.

12. On May 18, 2000, U.S. EPA conducted a site assessment of the H & R Landfill.

Sampling conducted by U.S. EPA's contractor detected methane gas concentrations of approximately 50 percent at sampling point GP-3.

13. Methane is explosive when present in the range of 5 to 15 percent by volume in air. Methane concentrations above 15 percent can cause asphyxiation and even a minor dilution of methane caused by increased ventilation can bring the mixture back into the explosive range.

14. Following the May 18, 2000, Site Assessment, U.S. EPA provided methane detectors to the occupied residential properties at Not Responsive. As a result, methane gas in concentration of ten percent or greater of the lower explosive limit should trigger an alarm notifying the occupants.

15. Over the winter of 2000/2001, methane gas concentrations at sampling point GP-3 declined. However, in the Spring of 2001 methane gas concentrations at sampling point GP-3 began to rise despite continued operation of the leachate pumping and pretreatment system. On June 15, 2001, methane gas concentrations at sampling point GP-3 were 12 percent.

16. In July 2001, U.S. EPA provided Respondent a preliminary construction design for a trench methane gas intercept system for the H & R Landfill.

17. In an August 3, 2001, report, Respondent's contractor RMT, Incorporated identified an alternative to the trench methane gas intercept system, consisting of a combination of gas extraction well retrofits and site grading improvements designed to prevent the subsurface migration of methane gas from the H & R Landfill.

III. CONCLUSIONS OF LAW

18. Respondent is a "person," as defined in Section 1004(15) of RCRA, 42 U.S.C. § 6903(15).

19. Respondent is a past generator of solid waste, as that term is defined under Section 1004(27) of RCRA, 42 U.S.C. § 6903(27), disposed of in the H & R Landfill.

20. The Respondent's past handling and disposal of solid waste at the H&R Landfill may present an imminent and substantial endangerment and hazard to health or the environment .

IV. DETERMINATIONS

Based on the foregoing Findings of Fact and the administrative record incorporated herein by reference, U.S. EPA hereby determines that:

21. The source of the methane gas detected at sampling point GP-3 is decomposing solid waste disposed of in the H & R Landfill, including solid waste from Respondent's Fox River

Plant.

22. Respondent's past disposal of solid waste at the H & R Landfill may present an imminent and substantial endangerment to health or the environment within the meaning of Section 7003(a) of RCRA, 42 U.S.C. § 6973(a).

23. The actions required by this Order are necessary to protect public health and the environment.

V. PARTIES BOUND

24. This Order applies to and binds the Respondent, its officers, employees, agents, successors, sublessees, assigns, contractors and consultants acting under or on behalf of Respondent.

25. No change in ownership of any property covered by this Order shall in any way alter, diminish, or otherwise affect the Respondent's obligations and responsibilities under this Order. Respondent shall be responsible for and liable for any failure to comply with this Order, irrespective of its use of employees, agents, contractors or consultants to perform any such tasks.

VI. NOTICE TO THE STATE

26. Written notice of the issuance of this Order was given to the State of Wisconsin pursuant to Section 7003(a) of RCRA, 42 U.S.C. § 6973(a).

VII. WORK

27. Respondent shall undertake and do the following:

a) Prepare and submit to U.S. EPA for its approval prior to commencing field construction activities the following plans (collectively "Plans");

1. Health and Safety Plan

2. Gas System Retrofit Construction Plan

3. Surface Water Control Plan

4. Mitigation Demonstration Plan

b) In accordance with the provisions of the Plans, Respondent shall complete the following modifications to that part of the existing gas extraction system that includes wells GW-23, GW-24, GW-25, and GW 25R:

1. Excavate and remove the existing wellhead, including the lateral pipe and control valve between the gas header pipe and the gas wells;

2. Reconstruct the piping connection and control valves between the gas header pipe and the gas wells;

3. Excavate and replace the gas header pipe;

4. Repair and re-establish the well seals, and backfill the excavated area with compacted clay;

5. Install a locking vault over wells GW-23, GW-24, GW-25, and GW 25R;

6. Install a membrane seal over GW-23, GW-24, GW-25, and GW 25R to minimize surface water infiltration and maximize gas well zone of influence;

7. Establish surface grades that promote surface water drainage away from the gas extraction system and do not adversely impact neighboring properties (with final seeding and mulching to occur in Spring 2002 if the temperature and moisture conditions are not suitable for work of this nature when the grading has been completed); and

8. Install a force main and air line in the gas header pipe trench for collection and routing of collected liquid from extraction wells should liquids inhibit the performance of the system.

c) The work components set forth in this Order shall be undertaken in accordance with the following schedule:

Milestone	Start/Completion Date
• Submit Plans to U.S. EPA	Within 21 days of Effective Date
• Start on-site construction work	4 weeks after receipt of U.S. EPA approval of Plans
• Complete all system improvements described in Subparagraph 27(b)	7 weeks after receipt of U.S. EPA approval of Plans
• Submit report described in Paragraph 27(g)	Within sixty (60) days of completion of all system improvements described in Subparagraph 27(b)

d) Respondent shall provide U.S. EPA 48 hours notice prior to commencing field construction activities.

e) Respondent shall meet, and shall direct all contractors, subcontractors, laboratories, and consultants retained to conduct or monitor any portion of the work performed pursuant to this Order to meet, the requirements of this Order.

f) In accordance with the U.S. EPA-approved Mitigation Demonstration Plan, Respondent shall demonstrate whether the modified gas extraction system prevents the migration of methane gas from the H & R Landfill property as determined by compliance with the limits specified in 40 C.F.R. § 258.23(a)(2). If methane levels exceed the limits specified in 40 C.F.R. § 258.23(a)(2), Respondent shall within 14 days (or such longer period as U.S. EPA may allow) submit for U.S. EPA approval a methane gas remediation plan. Upon U.S. EPA approval, any such plan, including work schedules, is incorporated into and enforceable as a part of this Order.

g). Within sixty (60) calendar days after completion of all system improvements, Respondent shall submit for U.S. EPA review a final report summarizing the actions taken to comply with this Order. The final report shall include the following certification signed by a person who supervised or directed the preparation of that report:

> Under penalty of law, I certify that based on information and belief formed after reasonable inquiry, the information submitted is true, accurate, and complete.

VIII. PROJECT COORDINATORS

28. The U.S. EPA has designated Brad Benning as its Project Coordinator who shall be responsible for overseeing the implementation of this Order. Absence of U.S. EPA's Project Coordinator from the Site shall not be cause for stoppage of work unless specifically directed by the U.S. EPA Project Coordinator. Within 5 business days of the effective date of this Order, Respondent shall designate a Project Coordinator who shall be responsible for administration of all the Respondent's actions required by the Order and submit the designated coordinator's name, address, and telephone number to U.S. EPA. U.S. EPA and Respondent shall have the right to change their designated Project Coordinators. U.S. EPA shall notify Respondent, and Respondent shall notify U.S. EPA, as early as possible before such a change is made, but in no case less than 24 hours before such a change. Notification may initially be made orally, but shall be followed promptly by written notice.

IX. DATA, INFORMATION, AND RECORDS

29. All substantive data, information, and records created or maintained by Respondent, its employees, contractors and/or consultants in connection with the implementation of work under this Order shall be made available by Respondent to U.S. EPA upon request. Respondent

may assert a claim of confidentiality for information submitted if the information qualifies for exemption from the Freedom of Information Act, as provided by the exemption for trade secrets outlined in 5 U.S.C. § 552(b)(4). Confidentiality claims shall be submitted to U.S. EPA in accordance with the procedures outline in 40 C.F.R. Part 2, in particular, 40 C.F.R. 2.203(b), and must include a written statement explaining how the information claimed to be confidential meets the substantive criteria for use in confidentiality determinations found in 40 C.F.R. 2.208. If U.S. EPA approves the claim, U.S. EPA will afford the information confidential status as specified in 40 C.F.R. Part 2 Subpart B. Information determined not to be confidential may be made available to the public without further notice to Respondent. If no claim of confidentiality accompanies information when submitted to U.S. EPA, then it may be made available to the public by U.S. EPA without further notice to Respondent.

30. Respondent shall retain all such data, information or records gathered in the performance of this Order for two (2) years after the termination of this Order.

X. QUALITY ASSURANCE

31. In the event sample collection and analysis is necessary, Respondent shall use U.S. EPA-approved quality assurance, quality control, and chain-of-custody procedures, which shall be part of the proposed and approved Plans.

XI. ACCESS

32. U.S. EPA and its authorized representatives are authorized to enter the H & R Landfill property for purposes of determining compliance with this Order and/or Section 7003 of RCRA, 42 U.S.C. § 6973, or as otherwise provided by law. Respondent and its contractors are authorized to enter the H & R Landfill property and conduct the actions required by this Order pursuant to a Consent to Access signed by Richard J. Johnson on August 15, 2001 for FRII.

XII. SUBSEQUENT MODIFICATION

33. Modifications to any plan or schedule may be made by U.S. EPA's Project Coordinator. If U.S. EPA's Project Coordinator makes an oral modification, it will be memorialized in writing within 7 business days; however, the effective date of the modification shall be the date of the U.S. EPA's Project Coordinator's oral direction. The rest of the Order, or any other portion of the Order, may only be modified in writing by signature of the Chief, Enforcement and Compliance Assurance Branch, Waste, Pesticides and Toxics Division, Region 5.

If Respondent seeks permission to deviate from any approved plan or schedule, Respondent's Project Coordinator shall submit a written request to U.S. EPA's Project Coordinator for approval outlining the proposed modification and its basis.

34. Any reports, plans, specifications, and schedules required by this Order are, upon written approval by U.S. EPA, incorporated into this Order. Any noncompliance with such U.S. EPA-approved reports, plans, specifications, and schedules shall be considered a violation of this Order.

35. No informal advice, guidance, suggestions, or comments by U.S. EPA regarding reports, plans, specifications, schedules, and any other written documents submitted by Respondent will be construed as relieving Respondent of its obligation to obtain written approval, if and when required by this Order.

XIII. NO FINAL AGENCY ACTION

36. Notwithstanding any other provisions of this Order, no action or decision by U.S. EPA, including without limitation decisions of the Director, Waste, Pesticides and Toxics Division, the Regional Administrator pursuant to this Order, or the Chief of the Enforcement and Compliance Assurance Branch, shall constitute final agency action giving rise to any rights to judicial review prior to U.S. EPA's initiation of judicial action to compel Respondent's compliance with the mandate(s) of this Order.

XIV. RESERVATION OF RIGHTS

37. U.S. EPA expressly reserves all statutory and regulatory powers, authorities, rights, remedies, both legal and equitable, which may pertain to Respondent's failure to comply with any of the requirements of this Order, including without reservation the assessment of penalties under Section 7003(b) of RCRA, 42 U.S.C. § 6973(b). This Order shall not be construed as a waiver or limitation of any rights, remedies, powers and/or authorities which U.S. EPA has under statutory, regulatory or common law enforcement authority of the United States.

38. This Order shall not be construed to affect or limit the rights or responsibilities of any applicable Federal, State or local agency or authority pursuant to any statutory provision, nor shall the entry of this Order limit or otherwise preclude U.S. EPA from taking additional enforcement action, civil or criminal, at any time pursuant to RCRA, including Sections 3004, 3008, 3013 and/or 7003, 42 U.S.C. §§ 6924, 6928, 3013 and/or 6973; CERCLA, including Sections 104, 106 and/or 107, 42 U.S.C. §§ 9604, 9606 and/or 9607; or any other available legal authority including imposition of penalties, should U.S. EPA determine that such action is warranted.

XV. OTHER CLAIMS

39. Nothing in this Order shall constitute or be construed as a release from any claim, cause of action or demand in law or equity against any person, firm, partnership, or corporation for any liability arising out of or relating in any way to the H & R Landfill and/or to the treatment, storage, or disposal of any solid wastes and/or hazardous constituents, hazardous

substances, pollutants or contaminants found at, taken to, or taken from the H & R Landfill.

40. By issuance of this Order, the United States and U.S. EPA assume no liability for injuries or damages to persons or property resulting from any acts or omissions of Respondent. The United States or U.S. EPA shall not be a party or be held out as a party to any contract entered into by the Respondent or its directors, officers, employees, agents, successors, representatives, assigns, contractors, or consultants in carrying out activities pursuant to this Order.

XVI. OTHER APPLICABLE LAWS

41. All actions required to be taken pursuant to this Order shall be undertaken in accordance with the requirements of all applicable local, State, and Federal laws and regulations. This Order is neither intended to be nor shall it be construed as a permit, modification to an existing permit, or replacement of an existing permit. Respondent shall obtain or cause its contractor to obtain all permits and approvals necessary under such laws and regulations. This Order does not relieve Respondent of any duty to obtain any applicable Federal, State or local permits needed to carry out its terms.

XVII. PENALTY PROVISIONS

42. Failure or refusal to comply with any requirement of this Order may subject Respondent to a civil penalty of not more than Five Thousand Five Hundred Dollars ($5,500) for each day in which such failure or refusal to comply continues, in accordance with Section 7003(b) of RCRA, 42 U.S.C. § 6973(b) and the Civil Monetary Penalty Inflation Adjustment Rule, published at 40 C.F.R. Part 19.

XVIII. SEVERABILITY

43. If any provision or authority of this Order, or the application of this Order to any party or circumstances, is held by any judicial or administrative authority to be invalid, the application of such provisions to other parties or circumstances and the remainder of the Order shall remain in full force and not be affected thereby.

XIX. NOTICES

44. Any notice required or permitted to be given hereunder shall be in writing and shall be effective upon delivery by hand, by Federal Express or similar overnight courier service, by facsimile transmission, or upon three (3) calendar days after deposit in the United States Mail,

registered or certified mail, postage prepaid, return receipt requested, and addressed as follows:

TO P&G:
The Procter & Gamble Paper Products Company
501 Eastman Avenue
Green Bay, WI 54302
Attn: Geroge Buttke, Site Environmental Manager
Ph: (920) 430-3898
Fax: (920) 430-2199

With copy to:
Legal Division GO C2 #13
One Procter & Gamble Plaza
Cincinnati, OH 45202
Attn: David E. Ross
Ph: 513-983-3995
Fax 513-983-7635

TO U.S. EPA:
Brad Benning
U.S. EPA Region V (SE-5J)
77 W. Jackson Blvd
Chicago, IL 60604-3590
Ph: (312) 353-7613
Fax (312) 353-9176

With copy to:
Brian Barwick
U.S. EPA Region V (C-14J)
77 W. Jackson Blvd
Chicago, IL 60604-3590
Ph: (312) 886-6620
Fax (312) 886-0747

The foregoing addresses and numbers may be changed by written notice.

XX. EFFECTIVE DATE AND TERMINATION

45. This Order shall become effective immediately upon Respondent's receipt of the original executed Order via certified mail or immediately upon Respondent's receipt of a copy of the executed order via facsimile, whichever comes first.

46. The provisions of this Order shall be deemed satisfied upon Respondent's receipt of written notice from U.S. EPA that Respondent has demonstrated, to the satisfaction of U.S. EPA, that the terms of this Order but not including the record preservation provision of Section IX, or

other such continuing obligations, have been satisfactorily completed.

IT IS SO ORDERED:

Joseph M. Boyle

Joseph M. Boyle, Chief
Enforcement and Compliance Assurance Branch
Waste, Pesticides and Toxics Division
United States Environmental Protection Agency
Region 5

Date: September 27, 2001

R7003-5-01-002

OFFICE OF REGIONAL COUNSEL CONCURRENCE SHEET

SUBJECT: HHR Landfill (7003 of RCRA Order issued to VP+G)

CONTROL NO. (if applicable): ____________________

Originator and first level supervisor are responsible for assuring that documents are in plain language. All other reviewers should consider plain language in their reviews. *See* plain language checklist on reverse side of this sheet.

Originator	(Barwick	) BHB	Date 9/19/01
Section Chief	(Puchalski	) MB for chief with comments	Date
Branch Chief	(	) MGS	Date 9/20/01
Deputy RC	(	)	Date
Regional Counsel	(Frey (ACTING)	)	Date

No cover letter only Order appropriate

COMMENTS: ____________________

(PLEASE INDICATE NAME OF APPROPRIATE DIVISION(S) WHERE CONCURRENT SIGNOFF IS NECESSARY)

NAME OF DIVISION RCRA

Assigned Staff Person	(Batka	) AB	Date 9/24/01
Division Director	(Little	)	Date 9-24-01
Other	(Boyle	) JMB	Date 9/27/01
Other	(BRIGGS, P	) PB	Date 10/02/01

OFFICE OF THE REGIONAL ADMINISTRATOR

Deputy Regional Administrator	(Ullrich	)	Date
Regional Administrator	(Skinner	)	Date
Other	(	)	Date
Other	(	)	Date

A White House Executive Memorandum dated June 1, 1998, mandates that "......The Federal Government's writing must be in plain language." This requirement became effective January 1, 1999. Originator and first level supervisor are responsible for assuring that documents are in plain language. All other reviewers should consider plain language in their reviews. (See plain language checklist of reverse side of this sheet.)

COMMENTS: ____________________

RETURN TO ORC-Cheryl Klebenow(886-6771)(C-14J)

UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY
REGION 5
CHICAGO, ILLINOIS

IN THE MATTER OF	)	DOCKET NO.
	)	
THE H & R PAPER AND	)	PROCEEDING UNDER SECTION
REFUSE LANDFILL	)	7003 OF THE RESOURCE
	)	CONSERVATION AND RECOVERY
	)	ACT, as amended, 42 U.S.C. § 6973
THE PROCTER & GAMBLE PAPER PRODUCTS COMPANY	)	
	)	
RESPONDENT	)	
	)	

ADMINISTRATIVE ORDER ON CONSENT

WHEREAS, the parties to this Administrative Order on Consent ("**Order**"), The Procter & Gamble Paper Products Company, an Ohio corporation headquartered at One Procter & Gamble Plaza, Cincinnati, Ohio 45202 ("**Respondent**"), and the United States Environmental Protection Agency, Region 5 ("**U.S. EPA**"), have agreed to the entry of this Order;

NOW THEREFORE, it is agreed to and ordered that:

I. JURISDICTION

This Order concerning the H&R Paper and Refuse Landfill ("**H&R Landfill**") is issued pursuant to the authority vested in the Administrator of the United States Environmental Protection Agency by Section 7003(a) of the Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act ("**RCRA**"), and further amended by the Hazardous and Solid Waste Amendments of 1984, 42 U.S.C. § 6973. The authority to issue this Order pursuant to Section 7003 has been delegated to the Chief, Enforcement and Compliance Assurance Branch, Waste, Pesticides and Toxics Division, United States Environmental Protection Agency, Region 5. Respondent admits and will not contest U.S. EPA's jurisdiction to issue this Order and to enforce its terms.

II. FINDINGS OF FACT

The factual findings herein are based upon information known to U.S. EPA at the time of issuance of this Order.

1. The H & R Landfill, located on Finger Road in Brown County, Wisconsin in the Southwest 1/4 of the Southeast 1/4 of Section 2, Township 23 North, Range 21 East, City of Green Bay, Wisconsin (Brown County Assessor's Parcel Number 2144), was operated by H & R Paper and Refuse Service, Incorporated as a solid waste disposal facility from approximately 1971 through 1983.

2. Richard J. Johnson of N17940 Lily Lake Road, Dunbar, Wisconsin 54119 was president and registered agent for H & R Paper and Refuse Service, Incorporated. Harold W. Johnson, deceased, was vice-president of H & R Paper and Refuse Service, Incorporated. Donald P. Leahy, deceased, was the secretary and treasurer of H & R Paper and Refuse Service, Incorporated.

3. In 1983, H & R Paper and Refuse Service, Incorporated filed articles for dissolution. Richard J. Johnson, Harold W. Johnson, and Donald P. Leahy became tenants in common with an ownership interest in the H & R Landfill property.

4. In 1984, Richard J. Johnson, Harold W. Johnson, and Donald P. Leahy deeded their interests in the H & R Landfill property to Finger Road Investments, Incorporated ("**FRII**").

5. FRII is an administratively dissolved Wisconsin Corporation which, pursuant to ch. 180.1405 of the Wisconsin Statutes, retains title to the H & R Landfill property.

6. Richard J. Johnson is the President of FRII.

7. Respondent operates a paper products manufacturing facility located at 501 Eastman Avenue, Green Bay, Wisconsin 54302 ("**Fox River Plant**").

8. Solid wastes generated at Respondent's Fox River Plant during the 1971 through 1983 active life of the H & R Landfill included such materials as cooked wood chips and knots, cellulose fines, tree bark, sawdust, water treatment sludge, and fly ash. During at least a portion of the period 1971 through 1983, Respondent disposed of such wastes, which are of the type that biodegrade and generate methane gas, in the H & R Landfill.

9. In the Fall of 1985, the Wisconsin Department of Natural Resources (WDNR) detected subsurface methane gas in concentrations of as much as 56 percent on and adjacent to the H & R Landfill. In response, the WDNR installed a gas extraction system at the H & R Landfill to prevent subsurface migration of methane gas.

10. Pursuant to a November 23, 1988, Consent Judgment with the State of Wisconsin, FRII constructed a leachate pumping and pretreatment system at the H & R Landfill and operated the system for at least two years, andRespondent contributeda total of $30,000 in two annual installments to help cover the operating costs of the such system.

11. On May 12, 2000, WDNR notified the U.S. EPA that subsurface methane gas was again migrating from the H & R Landfill and had been detected at sampling point GP-3, located adjacent to the H & R Landfill and within approximately 30 feet of occupied residential properties at Not Responsive, Green Bay, Wisconsin.

12. On May 18,2000, U.S. EPA conducted a site assessment of the H & R Landfill. Sampling conducted by U.S. EPA's contractor detected methane gas concentrations of approximately 50 percent at sampling point GP-3.

13. Methane is explosive when present in the range of 5 to 15 percent by volume in air. Methane concentrations above 15 percent can cause asphyxiation and even a minor dilution of methane caused by increased ventilation can bring the mixture back into the explosive range.

14. Following the May 18, 2000, Site Assessment, U.S. EPA provided methane detectors to the occupied residential properties at Not Responsive. As a result, methane gas in concentration of ten percent or greater of the lower explosive limit should trigger an alarm notifying the occupants.

15. Over the winter of 2000/2001, methane gas concentrations at sampling point GP-3 declined. However, in the Spring of 2001 methane gas concentrations at sampling point GP-3 began to rise despite continued operation of the leachate pumping and pretreatment system. On June 15, 2001, methane gas concentrations at sampling point GP-3 were 12 percent.

16. In July 2001, U.S. EPA provided Respondent a preliminary construction design for a trench methane gas intercept system for the H & R Landfill.

17. In an August 3, 2001, report, Respondent's contractor RMT, Incorporated identified an alternative to the trench methane gas intercept system, consisting of a combination of gas extraction well retrofits and site grading improvements designed to prevent the subsurface migration of methane gas from the H & R Landfill.

III. CONCLUSIONS OF LAW

18. Respondent is a "person," as defined in Section 1004(15) of RCRA, 42 U.S.C. § 6903(15).

19. Respondent is a past generator of solid waste, as that term is defined under Section 1004(27) of RCRA, 42 U.S.C. § 6903(27), disposed of in the H & R Landfill.

20. The Respondent's past handling and disposal of solid waste at the H&R Landfill may present an imminent and substantial endangerment and hazard to health or the environment.

IV. DETERMINATIONS

Based on the foregoing Findings of Fact and the administrative record incorporated herein by reference, U.S. EPA hereby determines that:

21. The source of the methane gas detected at sampling point GP-3 is decomposing solid waste disposed of in the H & R Landfill, including solid waste from Respondent's Fox River Plant.

22. Respondent's past disposal of solid waste at the H & R Landfill may present an imminent and substantial endangerment to health or the environment within the meaning of Section 7003(a) of RCRA, 42 U.S.C. § 6973(a).

23. The actions required by this Order are necessary to protect public health and the environment.

V. PARTIES BOUND

24. This Order applies to and binds the Respondent, its officers, employees, agents, successors, sublessees, assigns, contractors and consultants acting under or on behalf of Respondent.

25. No change in ownership of any property covered by this Order shall in any way alter, diminish, or otherwise affect the Respondent's obligations and responsibilities under this Order. Respondent shall be responsible for and liable for any failure to comply with this Order, irrespective of its use of employees, agents, contractors or consultants to perform any such tasks.

VI. NOTICE TO THE STATE

26. On [insert date], written notice of the proposed issuance of this Order was given to the State of Wisconsin pursuant to Section 7003(a) of RCRA, 42 U.S.C. § 6973(a).

VII. WORK

27. Respondent shall undertake and do the following:

a) Prepare and submit to U.S. EPA for its approval prior to commencing field construction activities the following plans (collectively "Plans");

1. Health and Safety Plan

2. Gas System Retrofit Construction Plan

3. Surface Water Control Plan

4. Mitigation Demonstration Plan

b) In accordance with the provisions of the Plans, Respondent shall complete the following modifications to that part of the existing gas extraction system that includes wells GW-23, GW-24, GW-25, and GW 25R:

1. Excavate and remove the existing wellhead, including the lateral pipe and control valve between the gas header pipe and the gas wells;

2. Reconstruct the piping connection and control valves between the gas header pipe and the gas wells;

3. Excavate and replace the gas header pipe;

4. Repair and re-establish the well seals, and backfill the excavated area with compacted clay;

5. Install a locking vault over wells GW-23, GW-24, GW-25, and GW 25R;

6. Install a membrane seal over GW-23, GW-24, GW-25, and GW 25R to minimize surface water infiltration and maximize gas well zone of influence;

7. Establish surface grades that promote surface water drainage away from the gas extraction system and do not adversely impact neighboring properties (with final seeding and mulching to occur in Spring 2002 if the temperature and moisture conditions are not suitable for work of this nature when the grading has been completed); and

8. Install a force main and air line in the gas header pipe trench for collection and routing of collected liquid from extraction wells should liquids inhibit the performance of the system.

c) The work components set forth in this Order shall be undertaken in accordance with the following schedule:

Milestone	Start/Completion Date
• Submit Plans to U.S. EPA	Within 10 days of Effective Date
• Start on-site construction work of Plans	4 weeks after receipt of U.S. EPA approval
• Complete all system improvements described in Subparagraph 27(b)	7 weeks after receipt of U.S. EPA approval of Plans
• Submit report described in Paragraph 28(g)	Within sixty (60) days of

completion of all system improvements described in Subparagraph 27(b)

d) Respondent shall provide U.S. EPA 48 hours notice prior to commencing field construction activities.

e) Respondent shall meet, and shall direct all contractors, subcontractors, laboratories, and consultants retained to conduct or monitor any portion of the work performed pursuant to this Order to meet, the requirements of the health and safety plan adopted pursuant to Subparagraph 27(a) of this Order.

f) In accordance with the U.S. EPA-approved Mitigation Demonstration Plan, Respondent shall demonstrate whether the modified gas extraction system prevents the migration of methane gas from the H & R Landfill property as determined by compliance with the limits specified in 40 C.F.R. § 258.23(a)(2). If methane levels exceed the limits specified in 40 C.F.R. § 258.23(a)(2), Respondent shall within 14 days (or such longer period as U.S. EPA may allow) submit for U.S. EPA approval a methane gas remediation plan. Upon U.S. EPA approval, any such plan, including work schedules, is incorporated into and enforceable as a part of this Order.

g). Within sixty (60) calendar days after completion of all system improvements, Respondent shall submit for U.S. EPA review a final report summarizing the actions taken to comply with this Order. The final report shall include the following certification signed by a person who supervised or directed the preparation of that report:

> Under penalty of law, I certify that based on information and belief formed after reasonable inquiry, the information submitted is true, accurate, and complete.

VIII. DATA, INFORMATION, AND RECORDS

28. All substantive data, information, and records created or maintained by Respondent, its employees, contractors and/or consultants in connection with the implementation of work under this Order shall be made available by Respondent to U.S. EPA upon request. Respondent may assert a claim of confidentiality for information submitted if the information qualifies for exemption from the Freedom of Information Act, as provided by the exemption for trade secrets outlined in 5 U.S.C.§ 552(b)(4). Confidentiality claims shall be submitted to U.S. EPA in accordance with the procedures outline in 40 C.F.R. Part 2, in particular, 40 C.F.R. 2.203(b), and must include a written statement explaining how the information claimed to be confidential meets the substantive criteria for use in confidentiality determinations found in 40 C.F.R. 2.208. If U.S. EPA approves the claim, U.S. EPA will afford the information confidential status as specified in 40 C.F.R. Part 2 Subpart B. Information determined not to be confidential may be made available to the public without further notice to Respondent. If no claim of confidentiality accompanies information when submitted to U.S. EPA, then it may be made available to the public by U.S. EPA without further notice to Respondent.

29. Respondent shall retain all such data, information or records gathered in the performance of this Order for two (2) years after the termination of this Order.

IX. QUALITY ASSURANCE

30. As appropriate, in connection with sample collections and analysis activities, Respondent shall use U.S. EPA-approved quality assurance, quality control, and chain-of-custody procedures, which shall be part of the proposed and approved Plans.

X. ACCESS

31. U.S. EPA and its authorized representatives are authorized to enter the H & R Landfill property for purposes of determining compliance with this Order and/or Section 7003 of RCRA, 42 U.S.C. § 6972, or as otherwise provided by law. Respondent and its contractors are authorized to enter the H & R Landfill property and conduct the actions required by this Order pursuant to a Consent to Access signed by Richard J. Johnson on [insert date] for FRII.

XI. COOPERATION

32. Respondent and U.S. EPA shall cooperate with one another in connection with Respondent's completion of the work under this Order.

XII. SUBSEQUENT MODIFICATION

33. Except as provided in Section XV below, this Order may be amended only by the mutual agreement of U.S. EPA and Respondent. Any such agreement shall be in writing, shall be signed by both parties, shall have as its effective date the date on which it is signed by U.S. EPA, and shall be incorporated into this Order.

34. Any reports, plans, specifications, and schedules required by this Order are, upon written approval by U.S. EPA, incorporated into this Order. Any noncompliance with such U.S. EPA-approved reports, plans, specifications, and schedules shall be considered a violation of this Order and shall subject Respondent to the stipulated penalty provisions included in Section XIII of this Order.

35. No informal advice, guidance, suggestions, or comments by U.S. EPA regarding reports, plans, specifications, schedules, and any other written documents submitted by Respondent will be construed as relieving Respondent of its obligation to obtain written approval, if and when required by this Order.

XIII. DELAY IN PERFORMANCE/STIPULATED PENALTIES

36. Unless the forcemajeure provisions of this Order are invoked, Respondent's failure

to comply with any requirement or schedule of this Ordershall obligate Respondent to pay stipulated penalties for each violation for each day (or part thereof), as set forth below, upon written demand by U.S. EPA. Compliance with this Order shall include performance of any. activity, plan, study, or report required by this Order in an acceptable manner and within specified time schedules in and approved under this Order. In the event of noncompliance, Respondent shall pay the following stipulated penalties:

Period Starting with First Day of Failure to Comply	Penalty per Violation per Day
1st day through 7th day	$1,000.00
8th day through 21st day	$3,000.00
22nd day and beyond	$5,000.00

37. Stipulated penalties under this Section shall be paid within thirty (30) calendar days of Respondent's receipt of written notification of noncompliance from U.S. EPA. Such stipulated penalties shall be paid by check or money order made payable to the "Treasurer of the United States" and mailed to

United States Environmental Protection Agency, Region 5
P.O. Box 70753
Chicago, Illinois 60673

38. Reference to the docket number should be clearly typed on the check or money order to ensure proper credit. Respondent shall send simultaneously notices of such payments, including copies of the check to the following:

Chief, Enforcement and Compliance Assurance Branch
Waste, Pesticides and Toxics Division
U.S. EPA, Region 5
77 W. Jackson Boulevard (DRE-8J)
Chicago, Illinois 60604

39. Payment of stipulated penalties shall not be construed as prohibiting, altering, or in any way limiting the ability of the United States to seek any other remedies or sanctions available by virtue of Respondent's violations of this Order or of the statutes and regulations upon which it is based.

XIV. PUBLIC REVIEW OF ADMINISTRATIVE RECORD

40. The administrative record supporting the issuance of this Order will be available for public review at U.S. EPA's offices at 77 West Jackson Boulevard, Chicago, Illinois on

Mondays through Fridays, from 8:30 a.m. to 5:00 p.m. by contacting:

Vallerie Mullins
U.S. EPA, Region 5 (SE-5J)
77 W. Jackson Boulevard
Chicago, Illinois 60604-3590
(312) 353-5578

XV. PUBLIC COMMENT AND EFFECTIVE DATE

41. Immediately upon issuance of this Order to Respondent, U.S. EPA will announce the availability of this Order to the public for review and comment. U.S. EPA will accept comments from the public for a period of Fourteen (14) calendar days after such announcement. If sufficient interest warrants, as determined by U.S. EPA, a public meeting will be held. At the end of the comment period, U.S. EPA will review all comments received during the comment period and/or at any public meeting. U.S. EPA will forward to Respondent a copy of all such comments and U.S. EPA's written response to such comments, whereupon Respondent shall have an opportunity to respond. U.S. EPA shall then either:

a. determine that the Order should be made effective in its present form in which case Respondent shall be notified in writing. The Order shall become effective on the date Respondent receives such notification; or
b. determine that modification of the Order is necessary, in which case Respondent will be informed as to the nature of all required changes. If Respondent agrees to the modifications, the Order shall be so modified and shall become effective upon signature of the parties.

42. Immediately upon issuance of an Order which includes significant changes in response to public comment, U.S. EPA will announce the availability of this Order to the public for additional review and comment. Any additional review and comment will be in accordance with the procedures described in Paragraph 41 above.

XVI. FORCE MAJEURE

43. Respondent shall perform all the requirements of this Order according to the time limits set herein unless this performance is prevented or delayed by events which constitute a forcemajeure. For purposes of this Order, a forcemajeure is defined as any event arising from causes entirely beyond the control of Respondent, which could not have been prevented or mitigated through the exercise of due diligence, that delays or prevents the performance of any obligation under this Order. Such events include the failure to timely receive access to the site, but do not include increased costs of performance, economic hardship, changed economic circumstances, normal precipitation events, or failure to submit timely and complete applications for all applicable Federal, State, or local permits.

44. Respondent has the burden of proving by clear and convincing evidence that any delay is or will be caused by events entirely beyond its control.

45. If the parties agree that an event constitutes a force majeure, the time for performance of the activity delayed by the forcemajeure shall be extended for the time period of the delay attributable to the force majeure plus reasonable additional time for resumption of activities. U.S. EPA shall determine whether subsequent requirements are to be delayed and the time period granted for any delay. Respondent shall adopt all reasonable measures to avoid or minimize any delay caused by a forcemajeure event.

46. If a forcemajeure event occurs, Respondent shall immediately notify the Chief, Enforcement and Compliance Assurance Branch, Waste, Pesticides and Toxics Division, by telephone within twenty-four (24) hours after Respondent becomes aware of the event and shall within seven (7) calendar days of the oral notifications, notify U.S. EPA in writing of the anticipated length and cause of the delay. The notifications shall also fully describe the nature of the delay and why it is entirely beyond the control of Respondent and state the measures taken and/or to be taken to prevent or minimize the delay. Respondent's notifications shall also include the specific time table by which Respondent intends to implement the delayed activity. Failure of Respondent to comply with the forcemajeure oral and written notice requirements will be deemed a forfeiture of its right to request a delay.

XVII. NO FINAL AGENCY ACTION

47. Notwithstanding any other provisions of this Order, no action or decision by U.S. EPA, including without limitation decisions of the Director, Waste, Pesticides and Toxics Division, the Regional Administrator pursuant to this Order, or the Chief of the Enforcement and Compliance Assurance Branch, shall constitute final agency action giving rise to any rights to judicial review prior to U.S. EPA's initiation of judicial action to compel Respondent's compliance with the mandate(s) of this Order.

XVIII. RESERVATION OF RIGHTS

48. U.S. EPA expressly reserves all statutory and regulatory powers, authorities, rights, remedies, both legal and equitable, which may pertain to Respondent's failure to comply with any of the requirements of this Order, including without reservation the assessment of penalties under Section 7003(b) of RCRA, 42 U.S.C. § 6973(b). This Order shall not be construed as a waiver or limitation of any rights, remedies, powers and/or authorities which U.S. EPA has under statutory, regulatory or common law enforcement authority of the United States.

49. Respondent expressly reserves all statutory, administrative, adjudicatory, and judicial rights and remedies, both legal and equitable, which may pertain to any action of U.S. EPA pursuant to this Order.

50. This Order shall not be construed to affect or limit the rights or responsibilities of any applicable Federal, State or local agency or authority pursuant to any statutory provision, nor

shall the entry of this Order limit or otherwise preclude U.S. EPA from taking additional enforcement action, civil or criminal, at any time pursuant to RCRA, including Sections 3004, 3008, 3013 and/or 7003, 42 U.S.C. §§ 6924, 6928, 3013 and/or 6973; CERCLA, including Sections 104, 106 and/or 107, 42 U.S.C. §§ 9604, 9606 and/or 9607; or any other available legal authority including imposition of penalties, should U.S. EPA determine that such action is warranted.

XIX. COVENANT NOT TO SUE

51. Except as otherwise specifically provided in this Order, U.S. EPA covenants not to sue Respondent for judicial imposition of damages or civil penalties or to take administrative action against Respondent for any matter pertaining to the H&R Landfill. These covenants not to sue are conditioned upon the complete and satisfactory performance by Respondent of its obligations under this Order. These covenants not to sue extend only to Respondent and not to any other person.

XX. OTHER CLAIMS

52. Nothing in this Order shall constitute or be construed as a release from any claim, cause of action or demand in law or equity against any person, firm, partnership, or corporation for any liability arising out of or relating in any way to the H & R Landfill and/or to the treatment, storage, or disposal of any solid wastes and/or hazardous constituents, hazardous substances, pollutants or contaminants found at, taken to, or taken from the H & R Landfill.

XXI. OTHER APPLICABLE LAWS

53. All actions required to be taken pursuant to this Order shall be undertaken in accordance with the requirements of all applicable local, State, and Federal regulations. This Order is neither intended to be nor shall it be construed as a permit, modification to an existing permit, or replacement of an existing permit. Respondent shall obtain or cause its contractor to obtain all permits and approvals necessary under such laws and regulations. This Order does not relieve Respondent of any duty to obtain any applicable Federal, State or local permits needed to carry out its terms.

XXII. PENALTY PROVISIONS

54. Failure or refusal to comply with any requirement of this Order may subject Respondent to a civil penalty of not more than Five Thousand Dollars ($5,000) for each day in which such failure or refusal to comply continues, in accordance with Section 7003(b) of RCRA, 42 U.S.C. § 6973(b).

XXIII. SEVERABILITY

55. If any provision or authority of this Order, or the application of this Order to any party or circumstances, is held by any judicial or administrative authority to be invalid, the

application of such provisions to other parties or circumstances and the remainder of the Order shall remain in full force and not be affected thereby.

XXIV. NOTICES

56. Any notice required or permitted to be given hereunder shall be in writing and shall be effective upon delivery by hand, by Federal Express or similar overnight courier service, by facsimile transmission, or upon three (3) calendar days after deposit in the United States Mail, registered or certified mail, postage prepaid, return receipt requested, and addressed as follows:

TO P&G:
The Procter & Gamble Paper Products Company
501 Eastman Avenue
Green Bay, WI 54302
Attn: Geroge Buttke, Site Environmental Manager
Ph: (920) 430-3898
Fax: (920) 430-2199

With copy to:
Legal Division GO C2 #13
One Procter & Gamble Plaza
Cincinnati, OH 45202
Attn: David E. Ross
Ph: 513-983-3995
Fax 513-983-7635

TO U.S. EPA:
Chief, Enforcement and Compliance Assurance Branch
Waste, Pesticides and Toxics Division DRE-8J
U.S. EPA Region V
77 W. Jackson Blvd
Chicago, IL 60604
Ph:
Fax:

The foregoing addresses and numbers may be changed by written notice.

XXV. TERMINATION AND SATISFACTION

57. The provisions of this Order shall be deemed satisfied upon Respondent's receipt of written notice from U.S. EPA that Respondent has demonstrated, to the satisfaction of U.S. EPA, that the terms of this Order but not including the record preservation provision of Section VIII, or other such continuing obligations, have been satisfactorily completed.

XXVI. INDEMNIFICATION

58. Respondent agrees to indemnify, save and hold harmless the United States, its officials, agents, contractors, subcontractors, employees and representatives from any and all claims or causes of action arising from, or on account of, acts or omissions of Respondent and Respondent's officers, heirs, directors, employees, agents, contractors, subcontractors, receivers, trustees, successors or assigns, in carrying out actions pursuant to this Order. Nothing in this Order, however, requires indemnification by Respondent for any claim or cause of action against the United States to the extent caused by the acts or omissions of U.S. EPA (not including oversight or approval of plans or activities of the Respondent).

XXVII. SIGNATORIES

59. Each undersigned representative of a signatory to this Administrative Order on Consent certifies that he or she is fully authorized to enter into the terms and conditions of this Order and to bind such signatory, its directors, officers, employees, agents, successors and assigns, to this document.

IT IS SO AGREED AND ORDERED:

The Procter & Gamble Paper Products Company:

_____ Date:

United States Environmental Protection Agency, Region 5

_____ Date: _____

Joseph M. Boyle, Chief
Enforcement and Compliance Assurance Branch
Waste, Pesticides and Toxics Division
United States Environmental Protection Agency
Region 5

U.S. ENVIRONMENTAL PROTECTION AGENCY
REMOVAL ACTION

ADMINISTRATIVE RECORD
FOR
H&R LANDFILL SITE
GREEN BAY, BROWN COUNTY, WISCONSIN

ORIGINAL
AUGUST 29, 2001

NO.	DATE	AUTHOR	RECIPIENT	TITLE/DESCRIPTION	PAGES
1	00/00/00	Gasca, E., Tetra Tech EM, Inc.	Addressees	Letter re: Gas Emission Control System w/ Drawing for the H&R Landfill Site	2
2	00/00/00	Weidner, G., *Hanaway, Ross, Hanaway, Weidner & Garrity, S.C.*	State of Wisconsin/ Circuit Court/ Dane County	Third Party Complaint by H&R Paper Adding Proctor & Gamble as a Defendant	11
3	00/00/00	Johnson, T., *Peterson, Johnson & Murray, S.C.*	State of Wisconsin/ Circuit Court/ Dane County	Proctor & Gamble's Answer to Third Party Complaint	5
4	04/10/81	Zabor, W., Proctor & Gamble Paper Products Company	Shimek, S., Soil Testing Services of Wisconsin, Inc.	Letter re: Waste Characterization Data for Proctor & Gamble's Green Bay Division	21
5	03/00/97	Eleazer, W., et al.	Public	Journal Article: "Bio-degradability of Municipal Solid Waste Components in Laboratory-Scale Landfills (Environmental Science & Technology, 31, 911-917)	7
6	11/14/00	Ecology and Environment, Inc.	U.S. EPA	Letter Report for the H&R Landfill Site	16
7	2000-2001	Foth & Van Dyke	WDNR	Weekly Gas Monitoring Reports for the Period May 15, 2000 - July 9, 2001 for the H&R Landfill Site (WEEKLY REPORTS MAY BE VIEWED AT U.S. EPA REGION 5 SUPERFUND RECORDS CENTER)	

NO. DATE AUTHOR RECIPIENT TITLE/DESCRIPTION PAGES

8	08/03/01	Torresani, M., RMT, Inc.	Buttke, G., Proctor & Gamble Paper Products Company	Letter re: H&R Landfill Gas Management System Evaluation	7
9	08/29/01	Benning, B., U.S. EPA	Muno, W., U.S. EPA	Action Memorandum: Request for a Time-Critical Removal Action at the H&R Landfill Site (PORTIONS OF THIS DOCUMENT HAVE BEEN REDACTED)	11

U.S. ENVIRONMENTAL PROTECTION AGENCY
REMOVAL ACTION

ADMINISTRATIVE RECORD
FOR
H&R LANDFILL SITE
GREEN BAY, WISCONSIN

UPDATE #1
SEPTEMBER 27, 2001

NO.	DATE	AUTHOR	RECIPIENT	TITLE/DESCRIPTION	PAGES
1	00/00/00	Social Security Administration	File	SSA Death Master File re: D. Leahy	1
2	00/00/00	Social Security Administration	File	SSA Death Master File re: H. Johnson	1
3	00/00/00	Ohio Secretary of State	File	Corporate Record re: Procter & Gamble RHD, Inc.	1
4	00/00/00	Wisconsin Department of Financial Institutions	File	Corporate/LTD Partnership Record re: Procter & Gamble Paper Products Company	1
5	00/00/00	Brown County, Wisconsin	File	Property Record re: Finger Road Investments, Inc.	1
6	10/09/84	Office of the Wisconsin Secretary of State	File	Certificate of Newly Elected Officers for Finger Road Investments, Inc.	1
7	12/10/85	Wickland, S., Wisconsin Department of Justice	Weidner, G., *Hanaway, Ross, Hanaway, Weidner & Garrity, S.C.*	Letter Serving H&R Paper and Refuse Paper, Inc. w/ Attached Summons and Amended Complaint re: H&R Landfill Site	13
8	06/07/01	Wisconsin Department of Financial Institutions	File	Corporate Registration Information System re: Finger Road Investments, Inc.	1

Good Morning,

Last week Tetra Tech EM Inc. received from the City of Green Bay, Department of Public Works, one aerial photograph with elevation contours and two H&R Landfill drawings for the leachate pretreatment system (Sheets No: 16399XF-1 and 16399XF-1)produced by STS Consultants Ltd.

The review of the aerial photograph confirms the fact that surface runoff may be entering the landfill gas collection system extraction wells at the northeast area just south of Not [redacted].

There are several concept designs that would control the methane emissions at the northeast corner of the landfill. Tetra Tech is preparing preliminary sketches and descriptions of the various emission control design options available. Tetra Tech believes that additional information on the design of the landfill leachate and gas collection systems will help develop these concept designs.

As a follow on to the June 6, 2001 H&R Landfill site visit, Tetra Tech would like to obtain the following information:

1. Record drawings of H&R Landfill gas collection system.
2. Basis for design of the H&R Landfill gas collection system.
3. Record drawings for the landfill leachate system (except Sheets No: 16399XF-1 and 16399XF-1, produced by STS Consultants Ltd)
4. Electronic version of the aerial photograph with elevation contours

Tetra Tech plans to develop the following gas emission control concept designs.

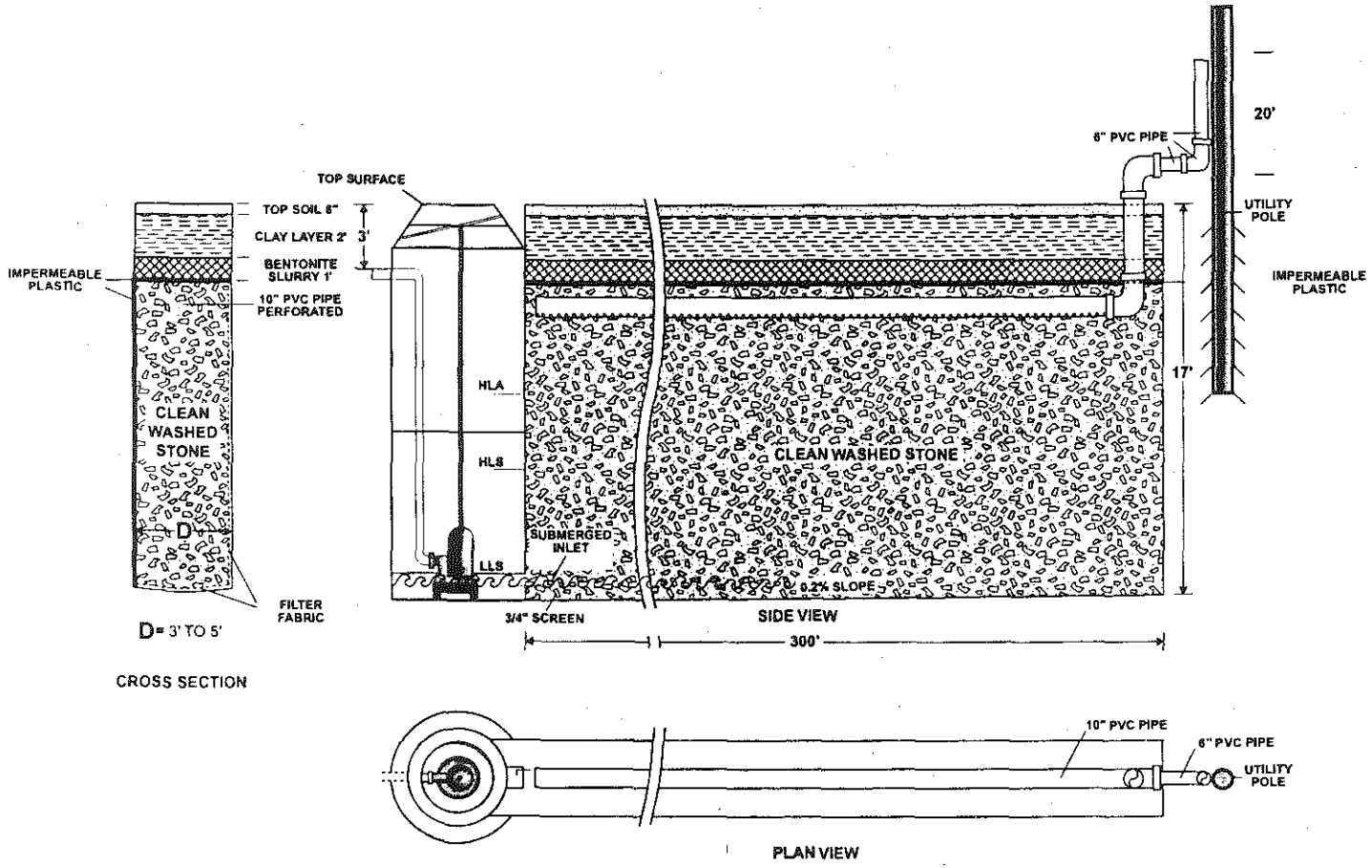
a) An independent passive emission control trench design without drainage to the leachate collection system
b) An independent passive emission control trench design with drainage to the leachate collection system
c) An independent vacuum assisted emission control trench design without drainage to the leachate collection system
d) An independent vacuum assisted emission control trench design with drainage to the leachate collection system
e) An emission control trench system that is connected to the existing vacuum system without drainage to the leachate collection system
f) An emission control trench system that is connected to the existing vacuum system with drainage to the leachate collection system

The last two options assume that the integrity of and capacity of the existing landfill gas collection system are acceptable and will be able to accomodate the increased capacity requirements.

Please contact this writer if you have questions or comments.

Eduardo Gasca, P.E.
Project Engineer

Tetra Tech EM Inc.
200 East Randolph Drive
Suite 4700
Chicago, IL 60601



NOTES:

HLA	=	HIGH LEVEL ALARM TO AUTO DIALER
HLS	=	HIGH LEVEL SWITCH
LLS	=	LOW LEVEL SWITCH

H&R LANDFILL SITE
GREENBAY, WISCONSIN

FIGURE 5
PASSIVE LANDFILL GAS EMISSION CONTROL SYSTEM WITH FORCED MAIN DRAINAGE

Tetra Tech EM Inc.

EPA

ACKNOWLEDGEMENT OF NOTIFICATION OF HAZARDOUS WASTE ACTIVITY
(VERIFICATION)

This is to acknowledge that you have filed a Notification of Hazardous Waste Activity for the installation located at the address shown in the box below to comply with Section 3010 of the Resource Conservation and Recovery Act *(RCRA)*. Your EPA Identification Number for that installation appears in the box below. The EPA Identification Number must be included on all shipping manifests for transporting hazardous wastes; on all Annual Reports that generators of hazardous waste, and owners and operators of hazardous waste treatment, storage and disposal facilities must file with EPA; on all applications for a Federal Hazardous Waste Permit; and other hazardous waste management reports and documents required under Subtitle C of RCRA.

EPA I.D. NUMBER ➤ WID000809095 REACKNOWLEDGEMENT

PROCTER & GAMBLE PAPER PRODUCTS CO
PO BOX 1520
GREEN BAY WI 54305

INSTALLATION ADDRESS ➤ 501 EASTMAN AVE
GREEN BAY WI 54305

EPA Form 8700-12B (4-80)

08/13/81

Please print or type with ELITE type *(12 characters/inch)* in the unshaded areas only.

Form Approved OMB No. 158-S79016
GSA No. 0246-EPA-OT

EPA

U.S. ENVIRONMENTAL PROTECTION AGENCY

NOTIFICATION OF HAZARDOUS WASTE ACTIVITY

INSTALLATION'S EPA I.D. NO.

I. NAME OF INSTALLATION

II. INSTALLATION MAILING ADDRESS

III. LOCATION OF INSTALLATION

The Procter & Gamble Paper Products Co.
Fox River Plant
P. O. Box 1520
501 Eastman Ave.
Green Bay, WI 54305

000737 AUG 20 80

INSTRUCTIONS: If you received a preprinted label, affix it in the space at left. If any of the information on the label is incorrect, draw a line through it and supply the correct information in the appropriate section below. If the label is complete and correct, leave Items I, II, and III below blank. If you did not receive a preprinted label, complete all items. "Installation" means a single site where hazardous waste is generated, treated, stored and/or disposed of, or a transporter's principal place of business. Please refer to the INSTRUCTIONS FOR FILING NOTIFICATION before completing this form. The information requested herein is required by law *(Section 3010 of the Resource Conservation and Recovery Act).*

DETACH

FOR OFFICIAL USE ONLY

COMMENTS

C: C

INSTALLATION'S EPA I.D. NUMBER	T/A C	APPROVED	DATE RECEIVED (yr., mo., & day)
F WI D 0 0 0 8 0 9 0 9 5	2 1	A	800818

I. NAME OF INSTALLATION

THE PROCTER & GAMBLE PAPER PRODUCTS CO

II. INSTALLATION MAILING ADDRESS

STREET OR P.O. BOX

C: 3 PO BOX 1520

CITY OR TOWN	ST.	ZIP CODE
4 GREEN BAY	WI	54305

III. LOCATION OF INSTALLATION

STREET OR ROUTE NUMBER

C: 5 501 EASTMAN AVE

CITY OR TOWN	ST.	ZIP CODE
6 GREEN BAY	WI	54305

IV. INSTALLATION CONTACT

NAME AND TITLE *(last, first, & job title)*	PHONE NO. *(area code & no.)*
2 JANDA ROBERT L PLANT MANAGER	414-433-2232

V. OWNERSHIP

A. NAME OF INSTALLATION'S LEGAL OWNER

C: 8 THE PROCTER & GAMBLE PAPER PRODUCTS CO

B. TYPE OF OWNERSHIP *(enter the appropriate letter into box)*

F = FEDERAL
M = NON-FEDERAL

M

VI. TYPE OF HAZARDOUS WASTE ACTIVITY *(enter "X" in the appropriate box(es))*

- [X] A. GENERATION
- [ ] B. TRANSPORTATION *(complete item VII)*
- [X] C. TREAT/STORE/DISPOSE
- [ ] D. UNDERGROUND INJECTION

VII. MODE OF TRANSPORTATION *(transporters only – enter "X" in the appropriate box(es))*

- [ ] A. AIR
- [ ] B. RAIL
- [ ] C. HIGHWAY
- [ ] D. WATER
- [ ] E. OTHER *(specify)*:

VIII. FIRST OR SUBSEQUENT NOTIFICATION

Mark "X" in the appropriate box to indicate whether this is your installation's first notification of hazardous waste activity or a subsequent notification. If this is not your first notification, enter your Installation's EPA I.D. Number in the space provided below.

- [X] A. FIRST NOTIFICATION
- [ ] B. SUBSEQUENT NOTIFICATION *(complete item C)*

C. INSTALLATION'S EPA I.D. NO.: WID000809095

IX. DESCRIPTION OF HAZARDOUS WASTES

Please go to the reverse of this form and provide the requested information.

FOR OFFICIAL USE ONLY

S													T/A	C
W	I	L	D	0	2	0	8	0	9	0	9	5	2	1
1	2											13	14	15

IX. DESCRIPTION OF HAZARDOUS WASTES *(continued from front)*

A. HAZARDOUS WASTES FROM NON–SPECIFIC SOURCES. Enter the four–digit number from 40 CFR Part 261.31 for each listed hazardous waste from non–specific sources your installation handles. Use additional sheets if necessary.

1	2	3	4	5	6
F001					
7	8	9	10	11	12

B. HAZARDOUS WASTES FROM SPECIFIC SOURCES. Enter the four–digit number from 40 CFR Part 261.32 for each listed hazardous waste from specific industrial sources your installation handles. Use additional sheets if necessary.

13	14	15	16	17	18
19	20	21	22	23	24
25	26	27	28	29	30

C. COMMERCIAL CHEMICAL PRODUCT HAZARDOUS WASTES. Enter the four–digit number from 40 CFR Part 261.33 for each chemical substance your installation handles which may be a hazardous waste. Use additional sheets if necessary.

31	32	33	34	35	36
37	38	39	40	41	42
43	44	45	46	47	48

D. LISTED INFECTIOUS WASTES. Enter the four–digit number from 40 CFR Part 261.34 for each listed hazardous waste from hospitals, veterinary hospitals, medical and research laboratories your installation handles. Use additional sheets if necessary.

49	50	51	52	53	54

E. CHARACTERISTICS OF NON–LISTED HAZARDOUS WASTES. Mark "X" in the boxes corresponding to the characteristics of non–listed hazardous wastes your installation handles. *(See 40 CFR Parts 261.21 – 261.24.)*

[X] 1. IGNITABLE (D001)	[X] 2. CORROSIVE (D002)	[ ] 3. REACTIVE (D003)	[ ] 4. TOXIC (D000)

X. CERTIFICATION

I certify under penalty of law that I have personally examined and am familiar with the information submitted in this and all attached documents, and that based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the submitted information is true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment.

SIGNATURE	NAME & OFFICIAL TITLE *(type or print)*	DATE SIGNED
R L Janda	Robert L. Janda Fox River Process Plant Manager	8/13/80

EPA Form 8700-12 (6-80) REVERSE

UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY
REGION V
230 SOUTH DEARBORN ST
CHICAGO, ILLINOIS 60604

SEP 28 1982

FILE

REPLY TO ATTENTION OF:
RCRA ACTIVITIES

JANDA ROBERT L PLANT MANAGER
PROCTER & GAMBLE PAPER PRODUCTS CO
PO BOX 1520
GREEN BAY WI 54305
FACILITY: 501 EASTMAN AVE
LOCATION: GREEN BAY WI 54305
ID NO.: WID000809095

RE: TSD Notification without Part A Application

Dear Notifier:

The United States Environmental Protection Agency (U.S. EPA) has received your notification of hazardous waste activity. On that form, by checking the "treat/store/dispose" (TSD) box, you indicated that you are a hazardous waste management facility (HWMF). To date, however, we have no record of having received Part A application for a hazardous waste permit which is required for all HWMFs.

Federal regulations require owners and operators of existing HWMFs (installations which treat, store, or dispose of hazardous waste) to have submitted a Part A permit application to the Regional Administrator by November 19, 1980, in accordance with 40 CFR 122.22. This requirement applied to HWMFs which were in existence on or before November 19, 1980. New facilities (those established after November 19, 1980) are required to submit Part A and Part B of their permit application, and receive a Resource Conservation and Recovery Act (RCRA) permit before beginning physical construction.

If your facility treats, stores, or disposes of hazardous waste, then your facility is operating without a hazardous waste permit, in violation of Section 3005 of RCRA, as amended. This violation is considered serious by the U.S. EPA, and may subject you to Federal enforcement under Section 3008 of RCRA for past and continued non-compliance.

Please submit your completed Part A application to the address below within fifteen days of receipt of this letter:

RCRA ACTIVITIES
P. O. Box A3587
Chicago, Illinois 60690-3587

We are aware that some hazardous waste handlers may have marked the TSD box on the notification form as a precaution or as a result of misunderstanding the May 19, 1980, hazardous waste regulations. If you notified us as a TSD in error, or if your status as a treatment, storage, or disposal facility has changed, please advise us in writing immediately.

Please contact Arthur Kawatachi of my staff at (312) 353-2197, if you have any questions regarding this letter.

Sincerely yours,

William H Mier for

Karl J. Klepitsch, Jr., Chief
Waste Management Branch

Please print or type with ELITE type (12 characters/inch) in the shaded area only.

GSA No. 12345-XX
Form Approved OMB No. 158-R90XX

EPA U.S. ENVIRONMENTAL PROTECTION AGENCY
NOTIFICATION OF HAZARDOUS WASTE ACTIVITY

INSTALLATION'S EPA I.D. NO.
I. NAME OF INSTALLATION
II. INSTALLATION MAILING ADDRESS
III. LOCATION OF INSTALLATION

RECEIVED
APR 10 1985
WMD-RAIU
EPA, REGION V

PLEASE PLACE LABEL IN THIS SPACE

INSTRUCTIONS: If you received a preprinted label, affix it in the space at left. If any of the information on the label is incorrect, draw a line through it and supply the correct information in the appropriate section below. If the label is complete and correct, leave Items I, II, and III below blank. If you did not receive a preprinted label, complete all items. "Installation" means a single site where hazardous waste is generated, treated, stored and/or disposed of, or a transporter's principal place of business. Please refer to the INSTRUCTIONS FOR FILING NOTIFICATION before completing this form. The information requested herein is required by law *(Section 3010 of the Resource Conservation and Recovery Act).*

FOR OFFICIAL USE ONLY

COMMENTS:

INSTALLATION I.D. NUMBER: F 1 | APPROVED: | DATE RECEIVED (mo., day, & yr.):

I. NAME OF INSTALLATION

THE PROCTER & GAMBLE PAPER PRODUCTS CO

II. INSTALLATION MAILING ADDRESS

STREET OR P.O. BOX: FOX RIVER PLANT PO BOX 8020

CITY OR TOWN: GREEN BAY | ST.: WI | ZIP CODE: 54308-8020

III. LOCATION OF INSTALLATION

STREET OR ROUTE NUMBER: 501 EASTMAN AVE

CITY OR TOWN: GREEN BAY | ST.: WI | ZIP CODE: 54302

IV. INSTALLATION CONTACT

NAME AND TITLE (last, first, & job title): ZABOR WILLIAM ENV. CONROL MGR | PHONE NO. (area code & no.): 414-433-2327

V. OWNERSHIP

A. NAME OF INSTALLATION'S LEGAL OWNER: PROCTER & GAMBLE

B. TYPE OF OWNERSHIP (enter the appropriate letter into box.): M (F = FEDERAL, M = NON-FEDERAL)

VI. TYPE OF HAZARDOUS WASTE ACTIVITY

- [X] A. GENERATION
- [ ] B. TRANSPORTATION (complete item VII)
- [ ] C. TREAT./STORE/DISPOSE
- [ ] D. UNDERGROUND INJECTION

VII. MODE OF TRANSPORTATION (transporters only)

- [ ] A. AIR
- [ ] B. RAIL
- [ ] C. HIGHWAY
- [ ] D. WATER
- [ ] E. OTHER (specify):

VIII. FIRST OR SUBSEQUENT NOTIFICATION

Mark 'X' in the appropriate box to indicate whether this is your installation's first notification of hazardous waste activity or a subsequent notification. If this is not your first notification, enter your installation's EPA I.D. number in the space provided below.

- [ ] A. FIRST NOTIFICATION
- [X] B. SUBSEQUENT NOTIFICATION (complete item C)

C. INSTALLATION'S EPA I.D. NO.: WIDOOO8090955

IX. DESCRIPTION OF HAZARDOUS WASTES

Please go to the reverse of this form and provide the requested information.

EPA Form 8700-12 (2-80)

CONTINUE ON REVERSE

[Editor's note]

I.D. NO. — FOR OFFICIAL USE ONLY

S W | TA | C 1

IX. DESCRIPTION OF HAZARDOUS WASTES *(continued from front)*

A. HAZARDOUS WASTES FROM NON-SPECIFIC SOURCES. Enter the four-digit number from 40 CFR Part 261.31 for each listed hazardous waste from non-specific sources your installation handles. Use additional sheets if necessary.

1	2	3	4	5	6
7	8	9	10	11	12

B. HAZARDOUS WASTES FROM SPECIFIC SOURCES. Enter the four-digit number from 40 CFR Part 261.32 for each listed hazardous waste from specific industrial sources your installation handles. Use additional sheets if necessary.

13	14	15	16	17	18
19	20	21	22	23	24
25	26	27	28	29	30

C. COMMERCIAL CHEMICAL PRODUCT HAZARDOUS WASTES. Enter the four-digit number from 40 CFR Part 261.33 for each chemical substance your installation handles which may be a hazardous waste. Use additional sheets if necessary.

31	32	33	34	35	36
37	38	39	40	41	42
43	44	45	46	47	48

D. LISTED INFECTIOUS WASTES. Enter the four-digit number from 40 CFR Part 261.34 for each listed hazardous waste from hospitals, veterinary hospitals, medical and research laboratories your installation handles. Use additional sheets if necessary.

49	50	51	52	53	54

E. CHARACTERISTICS OF NON-LISTED HAZARDOUS WASTES. Mark 'X' in the boxes corresponding to the characteristics of non-listed hazardous wastes your installation handles. *(See 40 CFR Parts 261.20 – 261.23.)*

☒ 1. IGNITABLE ☒ 2. CORROSIVE ☐ 3. REACTIVE ☐ 4. TOXIC

X. CERTIFICATION

I certify under penalty of law that I have personally examined and am familiar with the information submitted in this and all attached documents, and that based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the submitted information is true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment.

SIGNATURE	OFFICIAL TITLE	DATE SIGNED
R A McVay	PLANT MANAGER	4/1/85

EPA Form 8700-12 (2-80) REVERSE

[Editor's note]